

## **Border hypocrisies of the left**

Attorney General Jeff Sessions called out critics of President Donald Trump's "zero tolerance" border policy on illegals as hypocrites, saying many of these same people who want to open America's doors wide to anyone and everyone are also going home, hunkering down and resting comfortably in their gated, fenced, walled and even armed-guarded communities.

Bing. Go.

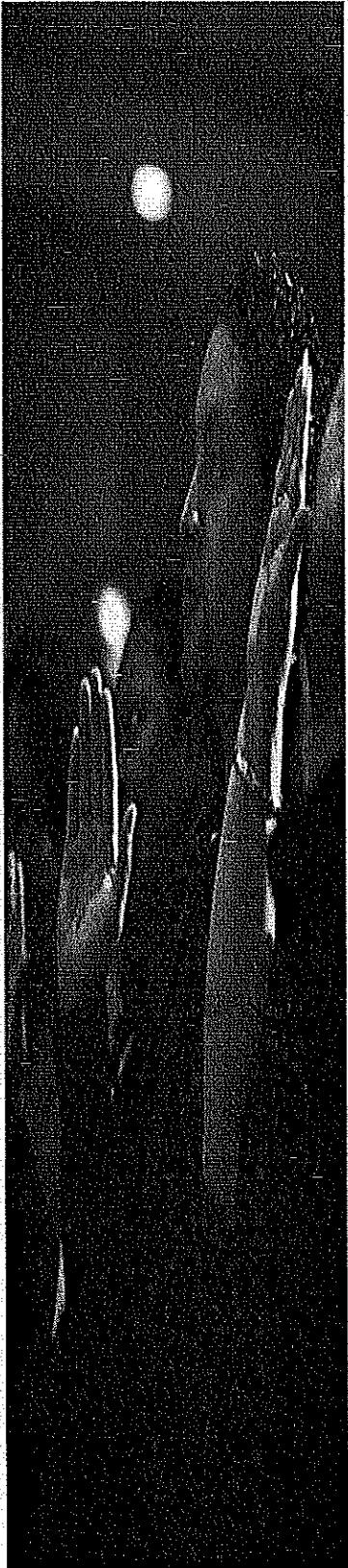
"These same people live in gated communities, many of them, and are featured at events where you have to have an ID even come in and hear them speak," Sessions said, delivering remarks at the Criminal Justice League Foundation's annual luncheon in Los Angeles, NBC News noted. "They like a little security around themselves."

...Enforcing border controls is not an act of cruelty.

But demanding open borders in the morning, heading back to the safety of armed guarded, metal-detected offices in the afternoon and going home to sleep safely behind gated communities at night are pure acts of hypocrisy. The American people deserve better. The American people deserve lawmakers who live as they preach — or, at least, who preach as they live.

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## Supreme Court Says Foreign Nationals Have No Due Process Rights Here

Contrary to what the liberal media and open-borders advocates say, immigrants are not owed same constitutional protections as regular Americans

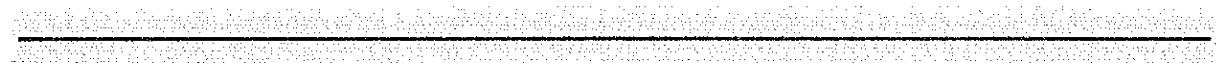
President Donald Trump recently suggested that illegal aliens should be sent back to their countries of origin without hearings and the years of litigation that often follow.

He branded the current process, which permits illegal aliens to repeatedly contest orders of removal, as "a mockery to good immigration policy and law and order."

The mainstream media wasted no time in characterizing his suggestion as a "push to end due process for illegal immigrants." And multiple news outlets made all manner of wild claims about the so-called rights of illegal aliens. But once again, in an effort to portray the chief executive as a xenophobe, the open-borders lobby has gotten its facts backward.

Trump is actually right on the mark. Much of the current legal framework for removing illegal aliens from the United States consists of badly reasoned federal district-court decisions, ridiculous settlement agreements, and politically motivated policy decisions.

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## **Comparing Border Children To U.S. Foster Kids Proves The Outrage Is Disgustingly Selective**

A civilized and decent society protects the vulnerable, and nothing is more vulnerable than a young child. All hurting children deserve our compassion and, if necessary, righteous anger. All children. Why, then, do we anguish over migrant children separated from their parents at the border, but ignore the plight of American children in foster care?

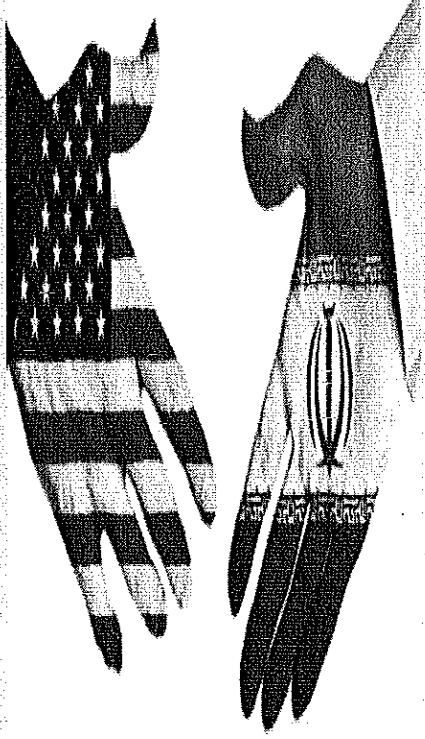
Unless you have a heart of stone, you've ached for the 2,053 children who were forcibly separated from their parents at the border since May. The national outcry and outrage was so intense that President Trump issued an executive order that families be detained together going forward. District Court Judge Dana Sabraw issued an injunction that all the children be reunited with their parents within 30 days, or within 15 days if they are under the age of five. The Department of Homeland Security reports that 522 of the minors have been returned to their parents so far. The compassion and righteous anger moved mountains.

Where is the same compassion and righteous anger for foster children?

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## Obama administration granted citizenship to 2,500 Iranians during nuclear deal: Iran official

The Obama administration granted citizenship to 2,500 Iranians, including family members of government officials, while negotiating the Iran nuclear deal, a senior cleric and member of parliament has claimed.

Hojjat al-Islam Mojtaba Zolnour, who is chairman of Iran's parliamentary nuclear committee and a member of its national security and foreign affairs committee, made the allegations during an interview with the country's Etemad newspaper, cited by the country's Fars News agency.

He claimed it was done as a favor to senior Iranian officials linked to President Hassan Rouhani, and he alleged the move sparked a competition among Iranian officials over whose children would benefit from the scheme.

He claimed that the deal was made during negotiations for the Joint Comprehensive Plan of Action (JCPOA), which was reached in July 2015. President Trump announced in May that the U.S. would withdraw from the agreement.

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## The Republican Party's Joyful Warrior

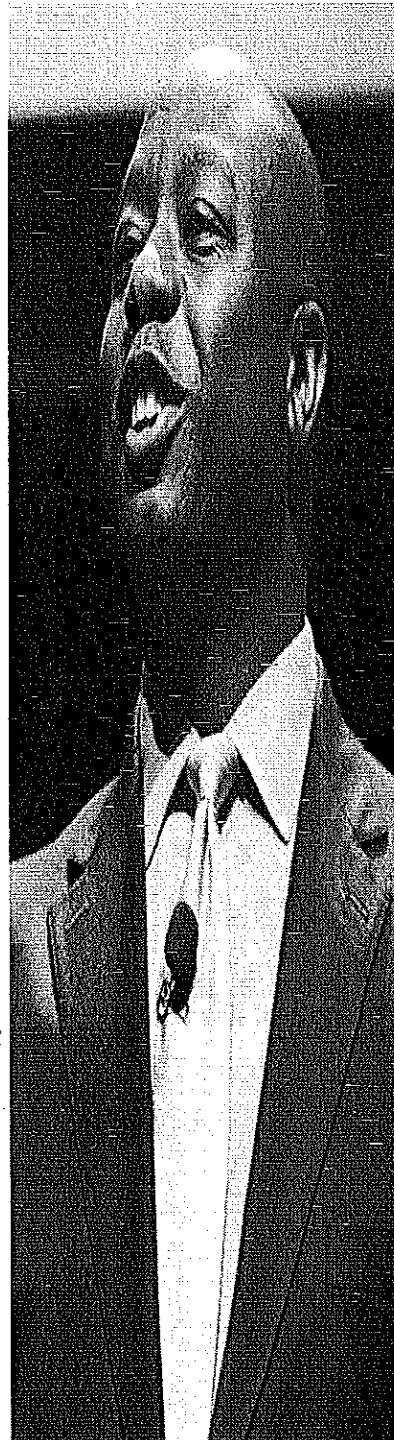
Tim Scott could help shift the GOP and the nation in a less rancorous direction. = 9

Though today's Republican party is viewed increasingly through the lens of the seemingly rudderless Donald Trump and his populist adherents, many on the right are disenchanted with this vision, and they're ready for a change.

Unsettled conservatives would do well to turn to South Carolina senator Tim Scott, a man who has illustrated in just a few short years that he has both the desire and the capacity to rebrand conservatism for a new age.

When Scott entered the U.S. Senate in 2013, he was the first African-American senator from the South since Reconstruction — and, like those earlier senators, a Republican. While he has consistently refused to use his race as a trump card or to score cheap political points, he never shies away from the reality of his upbringing. And there is no question that his story uniquely situated him to step forward as a conservative leader in a time of bitter political division.

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## Trump Blamed for Death of Reporters...Did Media Blame Obama for Cop Killers?

Before learning about the suspect's mental issues and his long-standing feud with the newspaper, some in the media blamed President Donald Trump. After all, critics said, Trump routinely denounces "fake news" as an existential threat to our republic. Connect the dots, they said. Blame Trump! CNN aired a montage of Trump's attacks on the media. Rob Cox, a Reuters editor, tweeted: "This is what happens when @RealDonaldTrump calls journalists the enemy of the people. Blood is on your hands, Mr. President." Another reporter, who later resigned, even falsely tweeted that the shooter was wearing a MAGA cap. How do you get that wrong?

How dare the President call out the anti-Republican media for its decades of biased reporting? Pew Research, in 2013, found that only 7 percent of reporters called themselves Republican. How dare Trump attack The New York Times, which has not endorsed a Republican presidential candidate since 1956? How dare Trump go after The Washington Post, which has never endorsed a Republican presidential candidate. And how dare Trump refer to CNN -- one of whose "news" anchors, Don Lemon, has called Trump "a racist" - as fake news.

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## **Federalism, Bipartisanship and The National Popular Vote – Dispelling Myths**

President Trump pointed out in an April 26, 2018 Fox & Friends interview, “I would rather have the popular vote...the Electoral College is set up perfectly for the Democrats...they should never lose the Electoral College.” If you listen to some conservative political pundits, reforming our system for electing the President by a national popular vote is a progressive boogeyman hiding in the closet. They would have you believe it is a proposal that will eviscerate the U.S. Constitution and destroy the cherished principle of federalism.

These are myths and scare tactics used by opponents of the National Popular Vote. Let me address some of these recent myths.

The National Popular Vote reform proposal is NOT a progressive or liberal reform. It is a bipartisan/nonpartisan interstate compact that would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. I support the National Popular Vote and my conservative bona fides are well established, having been involved with the Conservative movement for over 30 years. If my resume does not suffice, 8 former ALEC chairs have endorsed the National Popular Vote. If that is still not enough evidence, former RNC Chairman, Michael Steele, and former Speaker, Newt Gingrich, support the National Popular Vote. National Popular Vote legislation has previously passed the Republican-controlled Arizona House of Representatives, Oklahoma Senate and New York Senate.

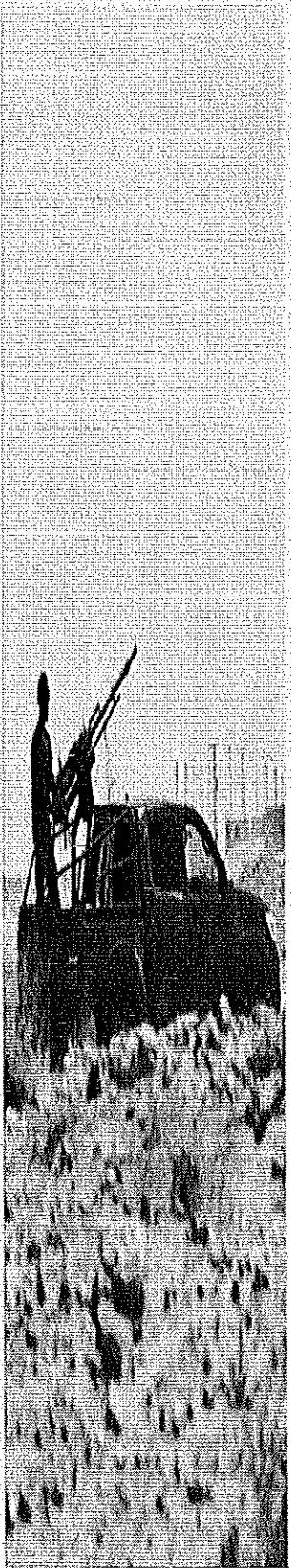
Most recently passed by Connecticut, the National Popular Vote is the constitutionally appropriate way to preserve the Electoral College and to make every voter, in every state, relevant in every presidential election. The National Popular Vote does NOT amend the U.S. Constitution. The National Popular Vote does NOT get rid of the Electoral College. The U.S. Constitution (Article II, Section 1) gives states exclusive control to award their electoral votes: “Each State shall appoint, in such a



Manner as the Legislature thereof may direct, a Number of Electors..." The current system of state winner-take-all laws used in 48 states is not the Founders' system. Winner-take-all laws were not debated at the 1787 Constitutional Convention. Over 22 days and 30 votes on how to elect the President, not one vote was taken on state-based, winner-take-all laws. The Federalist Papers did not opine on winner-take-all laws. The Founders' system – the United States Constitution – grants state legislatures plenary power to determine how each individual state awards their electors.

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## The Puzzle of Russian Behavior in Deir al-Zour



A frightening event in U.S.-Russia relations unfolded in February near Deir al-Zour in eastern Syria, as both sides battled the remnants of the Islamic State. In violation of a 2015 deconfliction agreement that divided the area into zones of Russian and U.S. military control, around 500 pro-Syrian fighters – most of whom spoke Russian, but whose citizenship remains unverified – crossed the Euphrates River to the U.S. side from the Russian-controlled zone. On Feb. 7 these fighters used Russian tanks, artillery, and mortars to attack a U.S.-supported Kurdish opposition outpost located next to a Conoco natural gas plant. Local U.S. forces first fired back at the attackers using anti-tank missiles and machine guns, and then called in massive air strikes as the fighters continued their attack. The resulting four-hour battle killed 200 to 300 of the attacking forces, according to documents released by the Pentagon. The casualties included a large number of fighters from the Wagner mercenary group of Russian and pro-Russian veterans who had earlier fought on Moscow's side in eastern Ukraine. (No U.S. or Kurdish casualties were reported.)

In other words, at a time of high geopolitical tension, the military forces of one nuclear superpower directly engaged hundreds of heavily armed and hostile citizens of another nuclear superpower, who may or may not have been acting at the behest of that superpower.

Russia's actions in the wake of this event have been perplexing. The United States used the special deconfliction phone line for Syria with its Russian counterparts "before, during, and after the strike," according to the Pentagon, presumably making Moscow aware that an American strike was likely. "We were assured by the Russians that there were no Russians involved," the Pentagon noted. U.S. Defense Secretary Jim Mattis testified that "the Russian high command in Syria assured us it was not their people." But the Russian foreign ministry later admitted that five Russian citizens were killed, and still later said that while "Russian service members" did not participate, several dozen Russian (and pro-Russian Ukrainian) citizens were wounded and flown back to Russia for treatment. However, nearly all experts agree that Russia is

understating these figures. Unofficial estimates by Russian doctors and family members indicate that at least 80 Russians died, with some reports claiming an even higher toll.

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## **Europe SHOULD Pay its Fair Share: Why Is America Still Defending Europe?**

Donald Trump will go to the NATO summit in Europe next week with these simple questions on his mind: Why should America should spend over 3.1 percent of GDP on defense, while Germany spends just 1.2 percent and the EU as a whole only 1.5 percent? Why should Americans pay so much more to defend Europe than these countries are willing to spend to defend themselves?

These are perfectly reasonable questions, and of course Trump is not the first president to ask them. He is, however, the first president who might actually demand answers, and who might well take action if he doesn't get the answers he wants.

We have now learned enough about the way Trump conducts foreign policy not to dismiss his ideas just because they do not fit the established patterns of U.S. policy. Reports that he told the G7 last month that NATO was "worse than NAFTA" and that his administration is weighing the options to withdraw U.S. forces from Europe need to be taken seriously. And that means we need to take seriously the questions that he is asking: Why should America pay to defend Europe?

Moreover the closer you look at this question the bigger it becomes. In fact it is far bigger than even Donald Trump seems to realize when he focuses on the gaps between American and European defense budgets. That is because when we consider the real cost to America of defending Europe, we have to look at much more than the size of U.S. defense budget and the price tag on America's European-based forces. We must consider the costs of committing those forces to combat, and the costs of whatever war might then ensue.

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## Librarians Airbrush Laura Ingalls Wilder's Name from Award

Who's next? Mark Twain, Shakespeare, Hemingway? Politically correct radicals are now beating up on Laura Ingalls Wilder, the author of the beloved "Little House on the Prairie" children's books, which inspired a long-running TV series starring Michael Landon that ran from 1974 to 1983.

The Association of Library Services for Children, a part of the larger American Library Association, has unanimously voted to strip Wilder's name from a prestigious book award it has given since 1954. The reason? "Wilder's legacy, as represented by her body of work, includes expressions of stereotypical attitudes inconsistent with ALSC's core values of inclusiveness, integrity and respect, and responsiveness."

...What all of these authors have in common is that their characters spoke and behaved as people really did during their time. Their books are witnesses to our history, which does indeed include examples of racist and bigoted stereotypes. But isn't it better to have children confront such issues rather than treat them like snowflakes? At its best, literature forces us to wrestle with issues, even when they are not pretty.

If we continue to impose our modern-day sensibilities on historical figures, we'll eventually fail to celebrate any of them. No one will be woke enough; everyone will need to be erased.

I have always had a soft spot for librarians, people charged with introducing children to great literature and great ideas. I worked my way through college for two summers as a librarian. The people with whom I worked loved sharing books with children. They didn't view their role as that of a censor or scold. Ironically, by unfairly slashing away at the reputation of Laura Ingalls Wilder they are resurrecting an old, discarded stereotype of librarians as prissy and pedantic. How ironic it would be if librarians — who should want children to be open and curious — once again develop a reputation of being close-minded.

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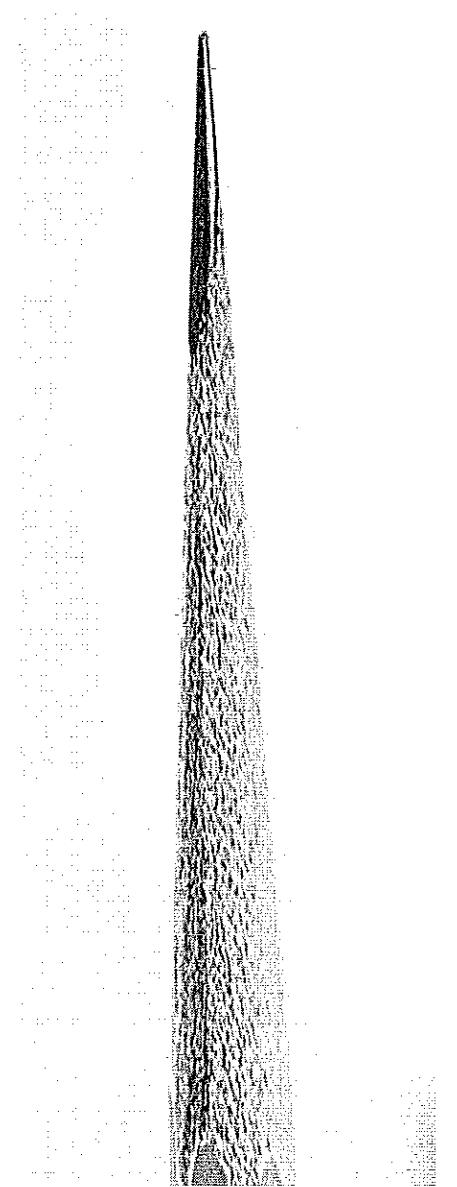
## A Classic: "I, Pencil"

Eloquent. Extraordinary. Timeless. Paradigm-shifting. Classic. Six decades after it first appeared, Leonard Read's "I, Pencil" evokes such adjectives of praise. Rightfully so, for this little essay opens eyes and minds among people of all ages. Many first-time readers never see the world quite the same again.

Ideas are most powerful when they're wrapped in a compelling story. Leonard's main point—economies can hardly be "planned" when not one soul possesses all the know-how and skills to produce a simple pencil? unfolds in the enchanting words of a pencil itself. Leonard could have written "I, Car" or "I, Airplane," but choosing those more complex items would have muted the message. No one person—or repeat, no one, no matter how smart—or could create from scratch a small, everyday pencil, let alone a car or an airplane.

This is a message that humbles the high and mighty. It pricks the inflated egos of those who think they know how to mind everybody else's business. It explains in plain language why central planning is an exercise in arrogance and futility, or what Nobel-laureate and Austrian economist F. A. Hayek aptly termed = "the pretence of knowledge."

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My goal is for this to be a weekly political update... sharing political news and analysis that should be of interest to most activists.

Please share & feel free to follow me on Twitter and/or Facebook!



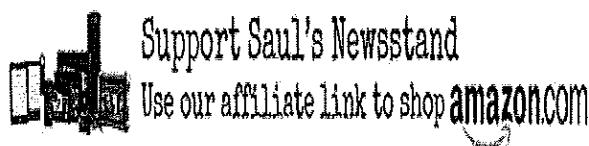
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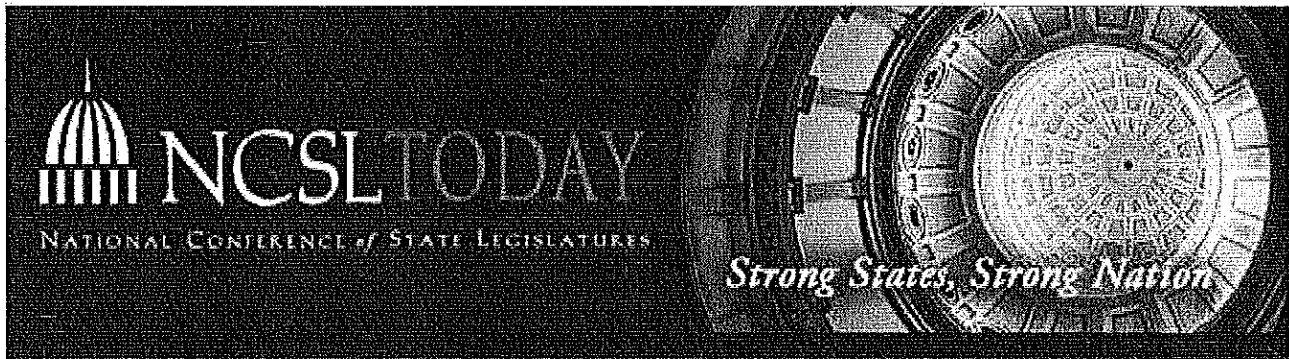
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**Subject:** Why 'orphan' oil and gas wells are a growing problem for states

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## TOP NEWS July 9, 2018

### Why 'orphan' oil and gas wells are a growing problem for states

*Stateline*

Unplugged wells can leak explosive gas into neighborhoods and leach toxins into groundwater.

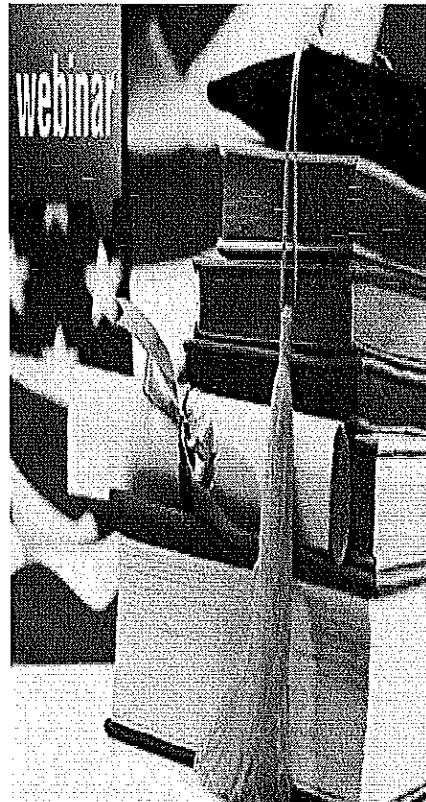
### At state level, GOP renews push for 'supermajority' for tax hikes

*The Washington Post*

Florida Republicans are pursuing a plan to make it harder for lawmakers to raise taxes in the state, adding new hurdles for Democrats hoping to enact bold social programs such as "Medicare for all" and more robust education spending. **NCSL research cited.**

### Insurers warn of rising premiums after Trump axes Obamacare payments again

*Reuters*



Health insurers warned that a move by the Trump administration on Saturday to temporarily suspend a program that was set to pay out \$10.4 billion to insurers for covering high-risk individuals last year could drive up premium costs and create marketplace uncertainty. [NCSL resources on health insurance premiums and increases.](#)

### **North Dakota measure would ban noncitizen voting**

*Associated Press*

Backers of a measure to change the North Dakota Constitution to explicitly bar non-U.S. citizens from voting say they have gathered enough signatures to get it on the November ballot. [NCSL research cited.](#)

### **Delaware lawmakers approve bill to prohibit pharmacist 'gag clauses'**

*Delaware Public Media*

Pharmacy Benefits Managers (PBMs), third-party administrators of prescription drug programs for health insurance plans, sometimes forbid pharmacists from telling customers about cheaper therapeutic alternatives, or disclosing when a drug might be cheaper when paid for out-of-pocket, rather than through insurance. A [NCSL data cited.](#) [NCSL resources on 'gag clauses'.](#)

### **Janus ruling is a blow to public unions - especially bad for black women**

*Governing*

The Supreme Court's decision could weaken unions'

### **Webinar Wednesday: Revitalizing civics education in U.S. schools**

This webinar will explore the general state of civics knowledge and education in the United States and highlight some of the work state legislators are undertaking to address the civics education and engagement in their states.



### **FY 2019 state budget status**

**Hear from thought leaders at the forefront of top issues at the Legislative Summit**

### **Connect with the new NCSL Events mobile app**

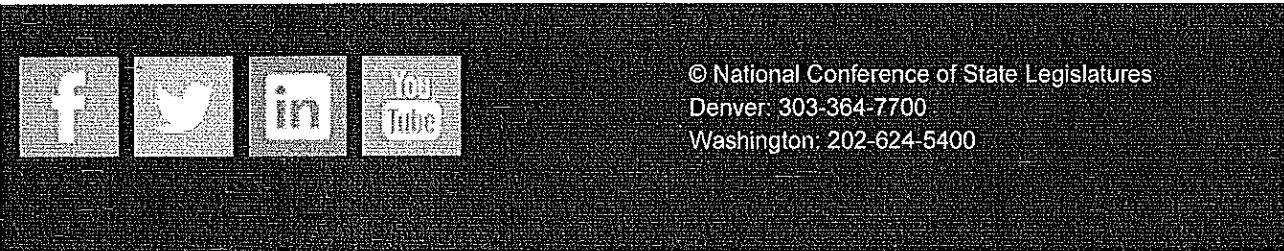


### **Dig deep into Supreme Court's term with this free webinar series**

Check out this series of webinars organized by the State and Local Legal Center and hosted by NCSL and other organizations. All of the webinars are FREE and intended for

collective bargaining power, which has historically benefited women of color more than most.

a non-attorney and attorney audiences.

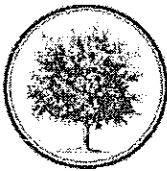


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**From:** The Buckeye Institute  
**Sent:** Tuesday, July 10, 2018 11:06 AM  
**To:** Rep93  
**Subject:** The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of Janus Ruling



# THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms  
(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

**FOR IMMEDIATE RELEASE**  
July 10, 2018

## **The Buckeye Institute Launches Workers Choose Campaign to Allow Public Employees to Express First Amendment Rights in Wake of *Janus* Ruling**

**Columbus, OH** -- Following the U.S. Supreme Court's decision in *Janus v. AFSCME*, The Buckeye Institute launched its Workers Choose campaign, which gives public employees in Ohio the tools they need to express their newly-recognized First Amendment rights.

"In *Janus v. AFSCME*, the U.S. Supreme Court ruled that public-sector workers can no longer be forced to pay for political speech without their affirmative consent," said Robert Alt, president and chief executive officer of **The Buckeye Institute**. "For public-sector employees who seek to exercise their First Amendment rights and withdraw from their government union, **WorkersChoose.org** will allow them to initiate the process online in three easy steps. For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them. The *Janus* decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

To initiate the process of withdrawing from their government union, visitors to **WorkersChoose.org** will:

- Be asked to provide their name and email address;
- Find and select the county in which they work from a dropdown menu;
- Choose their employer from a dropdown menu; and
- Identify their government union in a dropdown menu.

Instructions will then appear that outline the opt-out process for that union and, when known, the specified timeframe or opt-out window. A completed notification letter, unique for each user, will be available for download and submission, as will union and employer contact information. Workers will simply need to download the letter and either email or send a hard copy to the listed contacts as instructed. If workers are required to email or send their notification letter at a future date, visitors have the option of signing up to receive an email notification when their opt-out window opens.

For public employees who have questions, there is a toll-free number, 1-855-e-Choose, and an email address, **WorkersChoose@BuckeyeInstitute.org**, that they can use for further assistance.

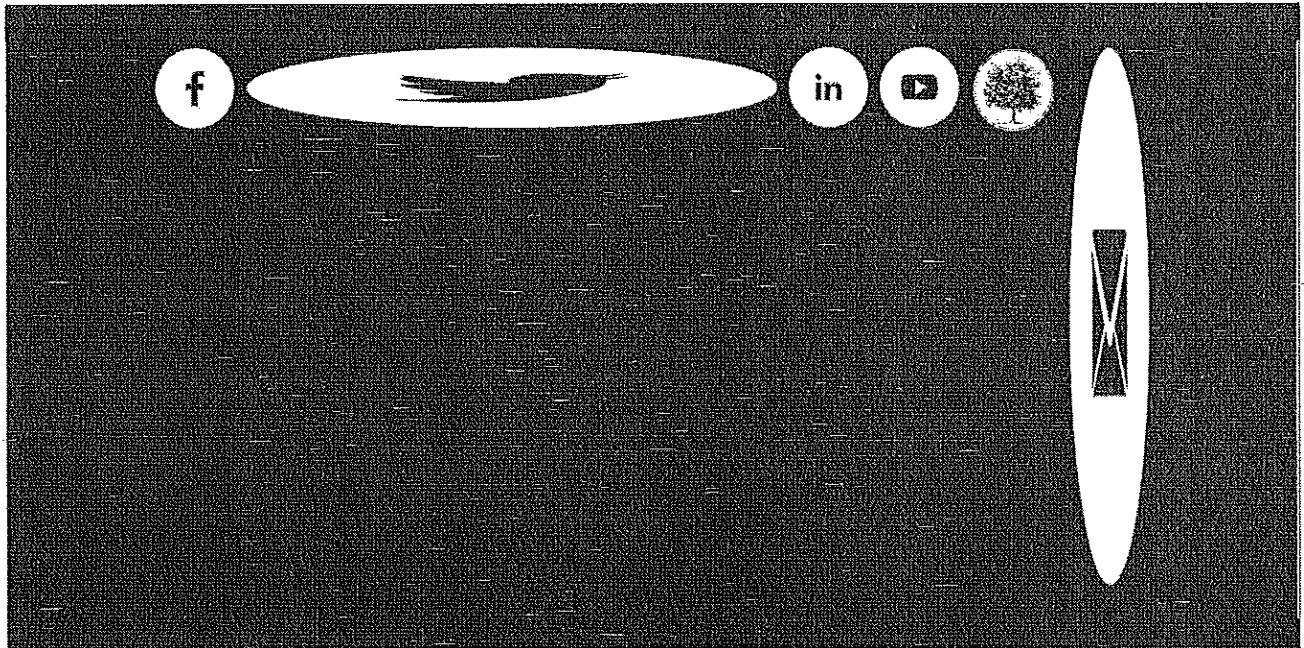
"If you are one of Ohio's hardworking teachers or other public-sector employees who prefer not to financially support or participate in your government union, **WorkersChoose.org** will allow you to begin the notification process today," said Alt.

# # #

*Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.*

*The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.*





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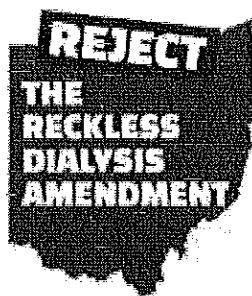
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**From:** Ohioans Against the Reckless Dialysis Amendment  
**Sent:** Tuesday, July 10, 2018 11:39 AM  
**To:** Rep93  
**Subject:** Ohio Kidney Patient, Healthcare Groups Oppose Reckless Dialysis Amendment

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Tuesday, July 10, 2018

## Ohio Kidney Patient, Healthcare Groups Unite Against Reckless Dialysis Amendment

(COLUMBUS) – Ohioans Against the Reckless Dialysis Amendment, a broad coalition of leading kidney care organizations, nurses, physicians and patient advocates, today announced its opposition to a proposed Constitutional Amendment that threatens to reduce access to Ohio's 326 out-patient dialysis clinics for the 18,000 Ohioans suffering from kidney failure.

Dialysis providers are among the most regulated healthcare provider groups in the country. All out-patient clinics are licensed by the Ohio Department of Health, certified by the federal Centers for Medicare and Medicaid Services (CMS), and highly regulated under current state and federal laws and regulations. Current laws and regulations address, among other things, patient safety; environmental cleanliness; infection prevention and control; emergency preparedness; staff training and continuing education; and water system and equipment maintenance. Clinics must also submit to unannounced quality assessments and inspections by the Ohio Department of Health.

"The proposed amendment was written by a California-based special interest group with no experience in dialysis care and – without any evidence of a problem – would recklessly lock dangerous, arbitrary rules into the Ohio Constitution, threatening access to high-quality care for thousands of Ohioans," said Diane Wish, co-founder and president of the Ohio Renal Association (ORA). "What's worse, the amendment calls for rebates that will end up in the pockets of insurance companies, not patients."

Wish, a registered nurse with more than 40 years of experience in providing dialysis treatment, is joined by other kidney care experts and physicians in opposition to the proposed amendment initiated by the California-based SEIU-UHW West.

"I've seen first-hand the devastating health consequences my dialysis patients face without proper access to care," said Dr. Henry Wehrum, a nephrologist (kidney specialist) with nearly 30 years of experience in the field, who also serves on the board of the Ohio Osteopathic Association (OOA). "The Ohio Constitution is simply not the place for complicated healthcare policy. And because it's written as a Constitutional Amendment, when things go wrong it can only be changed by another Constitutional Amendment – that's not a risk I'm willing to take on behalf of my patients."

Michael Needham, president and CEO of the Kidney Foundation of Ohio (KFO) added, "the Kidney Foundation of Ohio opposes the amendment because it will harm patients, not help them. The Amendment threatens to reduce the number of centers available to Ohioans, which would be especially harmful to vulnerable patients." The Kidney Foundation of Ohio is a patient advocacy group that has been providing a broad-based program of direct assistance to those with kidney disease since 1950.

To date, the organizations opposing the amendment include:

- Academy of Medicine of Cleveland and Northern Ohio
- Chronic Disease Coalition
- Diabetes Dayton
- Dialysis Patient Citizens
- Global Healthy Living Foundation
- Kidney Care Council
- Kidney Care Partners
- Kidney Foundation of Ohio
- National Renal Administrators Association

- Nonprofit Kidney Care Alliance
- Ohio Academy of Nutrition and Dietetics
- Ohio Osteopathic Association
- Ohio Renal Association
- Ohio Sickle Cell and Health Association
- Ohio State Medical Association
- Renal Physicians Association
- Renal Support Network

Based on campaign finance filings, the California-based SEIU is believed to have hired hundreds of paid petition circulators, many from out-of-state, to gather signatures from Ohio voters. On Wednesday, July 4, the group submitted signatures to the Ohio Secretary of State in an attempt to qualify the issue for the November 6 Ohio statewide ballot. The petitions and signatures are now under review by elections officials.

"The SEIU has a long history of abusing the ballot issue process to advance its own political agenda," said coalition spokesperson Gene Pierce. "That its amendment would actually harm Ohio dialysis patients comes as no surprise to those familiar with the SEIU's strong-arm tactics."

Among the proposed Constitutional mandates are provisions directing the Ohio Department of Health to establish arbitrary revenue limits for Ohio clinics and require rebates to private health insurance companies should revenues exceed those arbitrary limits. The amendment excludes Medicare, Medicaid and other government payers — which cover nearly 90 percent of dialysis patients in Ohio — from receiving rebates, leaving only private health insurance companies able to receive them. The amendment does not require insurance companies to pass on any savings to patients.

Coalition members are concerned that arbitrary revenue limits will force some dialysis providers to consolidate operations or close locations, reducing access to critical dialysis care — particularly for patients in rural, urban, and underserved areas.

The non-partisan coalition is planning a statewide campaign to educate Ohio voters on the ballot issue's dangerous consequences, should the issue be placed on the ballot.

The estimated 18,000 Ohioans suffering from end stage renal disease (ESRD) typically receive life-preserving dialysis treatments in a clinic three times a week, with each visit taking three to four hours.

According to national research, missing even one dialysis treatment increases a patient's risk of death by 30 per cent. Find more information on ESRD in Ohio [here](#).



*PAID FOR BY OHIOANS AGAINST THE RECKLESS DIALYSIS AMENDMENT*

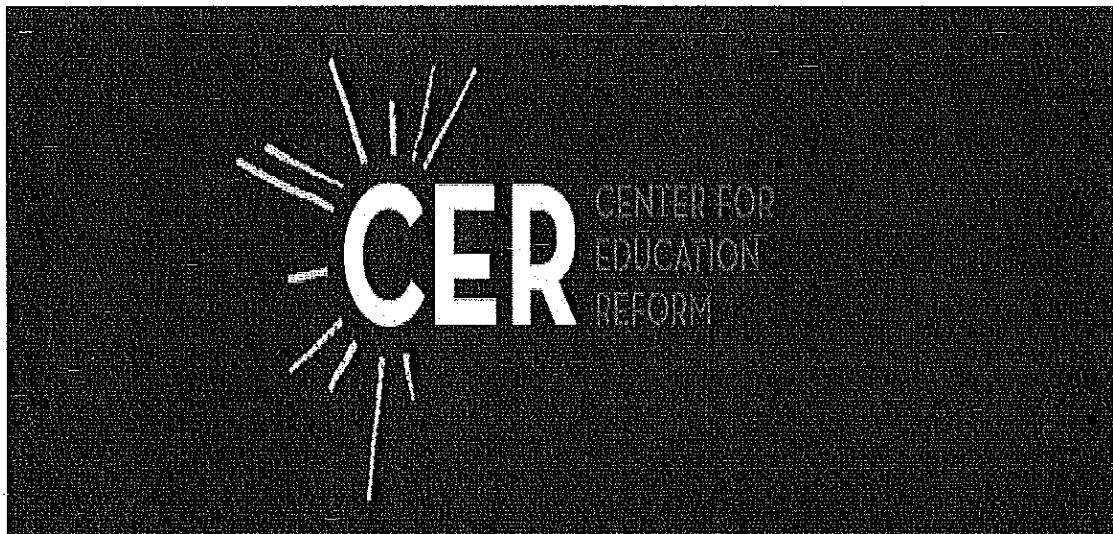
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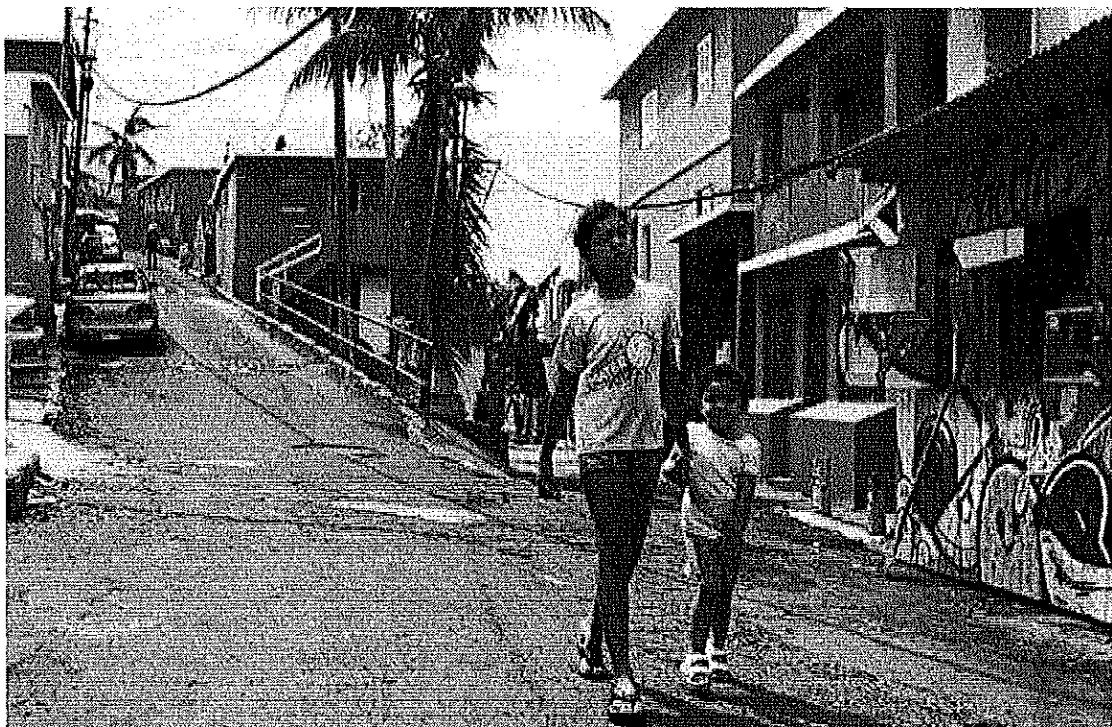
A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

**A NEW HOPE FOR RELIGIOUS SCHOOLS' FREEDOM?** The President's nominee to fill the vacancy that Supreme Court Justice Anthony Kennedy will create is Brett Kavanaugh, whose long history of rulings and opinions on education issues may allow for progress and real change for religious schools and school equity: *[Does A Justice Kavanaugh Mean That Blaine Amendments Are History?](#)*

**A SETBACK IN PUERTO RICO.** A frustrating turn of events in Puerto Rico where the hopes and plans to increase educational opportunities and innovations are being held up a judge's ruling that private school scholarships

violate Puerto Rico's Constitution and that only the University of Puerto Rico and Puerto Rico's municipalities can operate "*alianza*" (i.e. charter) schools.

Sadly, this is another case of putting children last when it comes to meeting their educational needs and, with hope, will only be a temporary set-back in delivering Gov. Rosselló's hugely needed, and hugely promising reforms. The good news is that we've seen this movie before, and the flawed decisions of courts from Washington state to Florida are usually based on education powers in constitutions not legislative powers, which in most Constitutions take precedence. [Check out this review](#), for example, from former U.S. Solicitor General Paul Clement, about a similar issue claimed but not litigated in Kentucky. We'll keep you posted.



**NEA: THE "NOT EDUCATION ASSOCIATION."** Somehow the NEA thought it appropriate to dedicate nearly two-thirds of the resolutions at its annual conference last week to everything BUT education? [What are some of the NEA's priority issues?](#) Here's a sample. Ensuring that Banana Republic doesn't

advertise with the union. Creating a toolkit to press for moratoria on charter school authorizations by bodies other than locally elected school boards. Advocating for lower interest rates and affordable housing programs for educators. And planning at least one action to shut down an immigration detention center, a Customs and Border Patrol office, or an Immigration and Customs Enforcement office (and recruiting at least 500 educators to participate in the action who are willing to be arrested and not bailed out of jail for a week!).

**AFT ALSO OUT OF TOUCH.** As the AFT gears up for its rollicking annual convention and demagoguery fest we thought we'd brief you on the issues they'd be debating this year...that is until we looked at the list of a whopping 91 resolutions from 13 committees that are more appropriate to a meeting of the U.N. General Assembly than they are to addressing the educational needs of America's children and families. To be fair, they do have an "Educational Issues Committee" but things go sideways fast when we get to the committees on Healthcare, Human Rights, International Relations, Labor and the Economy, Political Action ("Resolution No. 53 'Rev It Up:' Register, Educate, Vote!") and Organizing and Collective Bargaining. Suffice it to say they will be discussing a lot of things, most of which have little or nothing to do with educating children. If you are so inclined, you can read every word of every resolution [here](#).

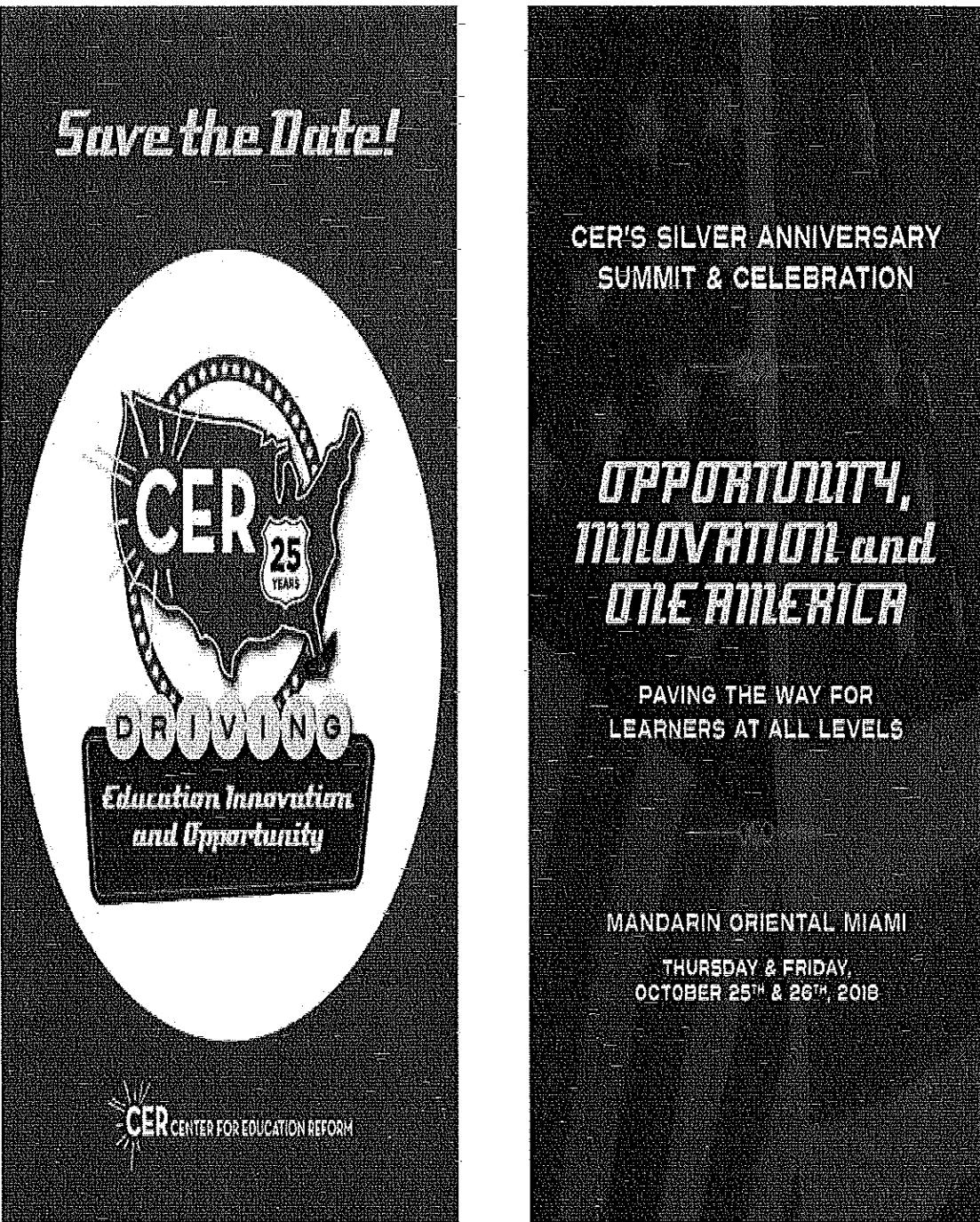
**NOTE TO UNIONS:** You're supposed to be looking for ways to improve your standing after Janus not get farther away from the mission upon which you were founded.

**HEARING IT DIRECTLY FROM MARK JANUS.** Along with many of our most respected colleagues, we've been glued to the Janus v. AFSCME litigation proceedings since the beginning. We've [covered](#), [interviewed](#) and reported on the subject. But nothing compares to hearing it from the horse's mouth. [Here's](#) Mark Janus explaining his "why" after the historic decision.

**TO NBC: NOT TO SAY, 'WE TOLD YOU SO' BUT...** The Grade, by Alexander Russo, offers up a great article over the irresponsibly story alleging charter schools are creating "white flight" from traditional public schools. The contention is absurd, and we said so, but the Grade goes even further. A very brief synopsis of its critique: "*...unfortunately, the [NBC/Hechinger] piece fails badly at its larger attempt, which is to assert that this kind of charter school is a significant problem nationally. Despite all efforts to make it seem otherwise, the data presented in the story do not support the claim that segregated white charters are a big problem.*" [Read the full article here.](#)

**COMPETITION.** Pennsylvania's Bensalem school district hired a consultant to tell them why so many families were choosing charter schools over district schools. The consultant's explanation: with charter schools as an option for families, districts must compete for students, which means they have to improve in areas where they are lacking – be that in performance or programs or in working with parents. "Of course," the article concludes correctly, "competition is what the charter school law was supposed to produce — because competition drives excellence.= 2

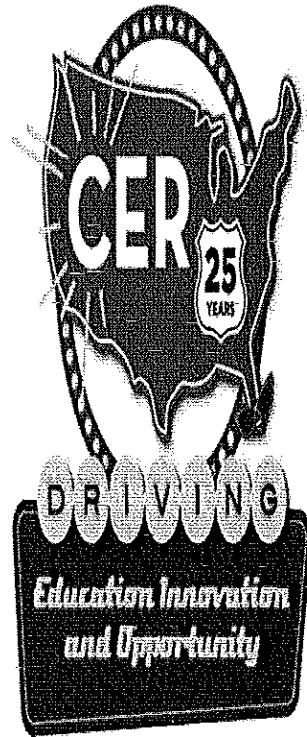
**THE ROAD TO INNOVATION IS PAVED WITH SILVER...** This week we are pleased to announce the addition of Arizona State University as a partner in CER's Silver Anniversary Summit. We're grateful for the pathbreaking leadership of ASU and its visionary president Michael Crow in their myriad endeavors. Start your engines and make your way to Miami on October 26th! Registration opens this week!



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20004**

*Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.*



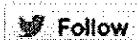
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**Sent:** Wednesday, July 11, 2018 5:33 AM  
**To:** Rep93  
**Subject:** 'Not A Complicated Case': Kavanaugh's Straightforward Style



Wednesday, July 11, 2018



## SUPREME COURT NOMINATION

### Feature

#### 'Not A Complicated Case': Kavanaugh's Straightforward Style

There's no argle-bargle in Judge Brett Kavanaugh's opinions. Instead, he's made a name for himself on the D.C. Circuit with clear, concise writing. [Read more »](#)

### Analysis

#### With Kavanaugh's Nomination, Chevron's Future Looking Grim

Confirmation of President Donald Trump's nominee to the U.S. Supreme Court, D.C. Circuit jurist and conservative all-star Brett Kavanaugh, would spell further trouble for federal agencies and so-called Chevron deference, but experts predict that the pro-regulation judicial doctrine is unlikely to be overturned completely in the near future. [Read more »](#)

#### Dems Need Unified Front To Combat Trump's High Court Pick

U.S. Senate Democrats have launched their drive to block President Donald Trump's choice of D.C. Circuit Judge Brett Kavanaugh for the U.S. Supreme Court, but the math indicates they must make sure their party ranks hold together. [Read more »](#)



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Feature

## 5 Tips For Kavanaugh As Confirmation Gets Underway

D.C. Circuit Judge Brett Kavanaugh, President Donald Trump's nominee to replace retiring Justice Anthony Kennedy on the U.S. Supreme Court, has publicly shared his view that being a judge means following the law — not making it — being impartial and not acting like a jerk. Here, experts share with Law360 five tips for how he can adhere to that philosophy while navigating confirmation hearings. [Read more »](#)

Analysis

## Kavanaugh Dissent Shows Skepticism For Deference To SEC

U.S. Supreme Court nominee D.C. Circuit Judge Brett Kavanaugh has earned a reputation for being skeptical of "overreaching" federal agencies, a point of view that could significantly influence how the high court defers to the U.S. Securities and Exchange Commission going forward, legal experts said Tuesday. [Read more »](#)

Analysis

## Kavanaugh Could Mean High Court Trouble For CFPB

D.C. Circuit Judge Brett Kavanaugh would bring to the U.S. Supreme Court a skepticism of regulatory agency authority that could be a boon for the financial services industry and a bummer for the Consumer Financial Protection Bureau, experts say. [Read more »](#)

Analysis

## What Enviro Lawyers Need To Know About Kavanaugh

President Donald Trump's nomination of D.C. Circuit Judge Brett Kavanaugh to the U.S. Supreme Court has attorneys, industry advocacy groups, environmentalists and academics delving into his majority opinions, dissents and oral argument comments for clues to his thoughts on matters ranging from climate change to executive agency deference. Here, Law360 takes a look at four key cases

Cravath Swaine  
Curtin & Heefner  
Davis Wright Tremaine  
Dorsey & Whitney  
Duane Morris  
Dykema Gossett PLLC  
Earthjustice  
Fisher Phillips  
Gibson Dunn  
GrayRobinson  
Hogan Lovells  
Hoguet Newman  
Holland & Knight  
Jomarron Lopez  
Kasowitz Benson  
Kirkland & Ellis  
Kohn Kohn  
Lowenstein Sandler  
Milbank Tweed  
Munger Tolles  
Norton Rose Fulbright  
O'Melveny & Myers  
O'Neill & Borges  
Ogletree Deakins  
Paul Hastings  
Proskauer Rose  
Quarles & Brady  
Reed Smith  
Sanford Heisler  
Shapiro Arato  
Simpson Thacher  
Snell & Wilmer  
Starn O'Toole  
Stroock & Stroock  
Thompson Coburn  
Vinson & Elkins  
Weil Gotshal

COMPANIES

that provide insight into his approach to environmental and administrative law matters. [Read more »](#)

#### Feature

### **6 Kavanaugh Employment Cases Lawyers Need To See**

As U.S. Circuit Judge Brett Kavanaugh prepares to embark on a potentially contentious confirmation process, a look at his judicial record in labor and employment cases reveals a judge who often sides with employers and tends to take a tough line with federal agencies. Here, Law360 looks at a handful of Judge Kavanaugh's D.C. Circuit employment law opinions that could offer a glimpse as to what his positions on the high court may look like. [Read more »](#)

#### Analysis

### **Wave Of FDA Suits Awaits If Kavanaugh Helps Trim Chevron**

Numerous legal challenges to U.S. Food and Drug Administration policies are likely if D.C. Circuit Judge Brett Kavanaugh ascends to the U.S. Supreme Court and helps persuade other justices to give less deference to regulators. [Read more »](#)

#### Analysis

### **3 Dissents That Define Kavanaugh's Immigration Record**

U.S. Supreme Court nominee Brett Kavanaugh has written dissents over the course of his 12-year tenure as a D.C. Circuit judge asserting that unauthorized immigrants don't have labor rights, that visa applicants' cultural background is irrelevant and that a detained immigrant teen should not be given immediate access to an abortion. Here, Law360 takes a look at Judge Kavanaugh's most notable writings on immigration. [Read more »](#)

## TOP NEWS

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### **Senate Approves 1st Trump Nominee To 9th Circ.**

AT&T Inc.

American Bankers Association

American Bar Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Immigration Council

American Immigration Lawyers Association

American Petroleum Institute Inc.

Assured Guaranty Ltd.

Barclays PLC

CSP Inc.

Cable News Network Inc.

Cato Institute

Chemours Co.

Chevron Corp.

Credit Union National Association Inc.

Delaware Riverkeeper Network

Enel SpA

Fannie Mae

Fogo de Chao Inc.

Ford Motor Co.

General Motors

Globalstar, Inc.

Honeywell International Inc.

Independent Community Bankers of America

Interstate Natural Gas Association of America

JPMorgan Chase & Co.

Janus Capital Group Inc.

Kids in Need of Defense

Kroll Bond Rating Agency Inc.

McDonald's Corporation

Melaleuca Inc.

Mexican American Legal Defense and Education Fund

The Senate on Tuesday approved former Hawaii Attorney General Mark J. Bennett's nomination to a Ninth Circuit seat with a 72-27 vote, granting President Donald Trump his first confirmation to the influential court. Read more »

### **Trump Issues Post-Lucia Order Nixing Exams For ALJs**

President Donald Trump on Tuesday issued an executive order eliminating the competitive examination and selection procedures for appointing administrative law judges, citing "sound policy reasons" for making the exception in the wake of the U.S. Supreme Court's Lucia v. SEC ruling last month. Read more »

### **Enviro's Claim Of FERC Industry Bias Rejected By DC Circ.**

The D.C. Circuit on Tuesday rejected Delaware Riverkeeper Network's arguments that the Federal Energy Regulatory Commission improperly favors industry and that the agency's practice of issuing tolling orders that delay decisions on requests to revisit pipeline approvals was lawful, affirming a lower court's decision. Read more »

### **Calif. Judge Slashes DOJ Challenge To State Sanctuary Laws**

A California federal judge on Monday trimmed the U.S. Department of Justice's suit challenging California's "sanctuary" laws, after finding last week that the government was unlikely to prevail on most of its claims. Read more »

### **Feds Defend Spoofing Indictment Of Software Developer**

Federal prosecutors are pushing back on a software company executive's bid to dismiss an indictment accusing him of participating in a spoofing scheme, telling an Illinois federal court on Monday that the anti-spoofing statute

Nabors Industries Ltd.  
National Association of Manufacturers  
National Conference of State Legislatures  
National Consumer Law Center  
National Immigration Law Center  
Natural Resources Defense Council  
New York Times Co.  
PHH Corporation  
Pacific Legal Foundation  
People's United Financial Inc.  
Raymond James Financial Inc.  
Regents of the University of California  
Santander Consumer USA Holdings Inc.  
Space Exploration Technologies Corp.  
Tesco Corporation  
The Boeing Company  
The City University of New York  
Toyota Motor Corporation  
Twitter Inc.  
United States Council for International Business  
Volkswagen  
  
GOVERNMENT AGENCIES  
Bureau of Citizenship and Immigration Services  
Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
Department of Commerce  
Equal Employment Opportunity Commission  
European Commission  
European Union

isn't unconstitutionally vague and the indictment wasn't arbitrary. Read more »

## ENERGY & ENVIRONMENTAL

### **NY Says FERC Trying To Block Review Of GHG Analysis Order**

The New York attorney general wrote to the Federal Energy-Regulatory Commission on Tuesday saying that the commission's recent order limiting its analysis of downstream greenhouse gas emissions for some gas pipeline projects was designed to shield the policy from judicial review. Read more »

## EMPLOYMENT

### **NLRB Launches Program Aimed At Increasing Use Of ADR**

The National Labor Relations Board announced on Tuesday that it will proactively contact parties in a new outreach program to help settle more cases before the board. Read more»

### **Texas AG Warns San Antonio Paid Sick Leave Is Preempted**

Texas Attorney General Ken Paxton has fired off a warning letter to the city of San Antonio's mayor and city council, letting it know that municipalities cannot enact an ordinance mandating that employers provide employees paid sick leave because the measure is preempted by state law. Read more »

## COMPETITION

### **FTC Says Prosthesis Co. Merger Should Be Unwound**

The Federal Trade Commission urged an administrative law judge in opening statements Tuesday to undo a leading prosthetics manufacturer's purchase of its smaller but highly competitive rival in the market for microprocessor-driven knees, a deal that allegedly threatens the "intense" competition

Executive Office of the President  
Federal Communications  
Commission

Federal Deposit Insurance Corp.  
Federal Energy Regulatory  
Commission

Federal Reserve System  
Federal Trade Commission  
Financial Crimes Enforcement  
Network  
Food and Drug Administration  
National Communications System  
National Highway Traffic Safety  
Administration

National Labor Relations Board  
National Telecommunications and  
Information Administration

Navajo Nation  
New York State Senate  
Occupational Safety and Health  
Administration

Office of the U.S. Trade  
Representative  
Securities and Exchange  
Commission

U.S. Attorney's Office  
U.S. Census Bureau  
U.S. Customs and Border  
Protection

U.S. Department of Homeland  
Security

U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection  
Agency

U.S. House of Representatives  
U.S. Immigration and Customs  
Enforcement

U.S. Senate

between the companies that pushed prices downward. [Read more »](#)

### **EU Tells Spain To Recoup €167M In State Aid From Postal Co.**

The European Commission ordered Spain on Tuesday to recover €167 million (\$196 million) in illegal state aid to Correos, the country's postal service, after determining the government-owned company had been overcompensated between 2004 and 2010 and benefited from "incompatible" tax exemptions. [Read more »](#)

## **INTERNATIONAL TRADE**

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### **Trump Preparing To Hit China With \$200B In Added Tariffs**

The Trump administration on Tuesday ratcheted up the trade war between the U.S. and China, releasing a wide-ranging \$200 billion list of Chinese goods the government said it wants to hit with tariffs, from frozen fish to plastic pipes. [Read more »](#)

### **Switzerland Fires Rare WTO Salvo Against US Metal Tariffs**

The Trump administration's contentious duties on steel and aluminum prompted a rare World Trade Organization challenge from Switzerland on Tuesday, marking just the fifth time the Central European country has filed a case in the 23-year history of the WTO. [Read more »](#)

## **BANKRUPTCY**

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### **Puerto Rico Fights Special Revenue Bond Insurer Appeal**

Puerto Rico and its federally appointed financial restructuring advisers urged the First Circuit on Monday to affirm a decision that has freed the commonwealth from an obligation to pay special revenue bondholders while it winds its way through bankruptcy-like proceedings,

U.S. Supreme Court  
World Trade Organization

saying a reversal would "undermine critical infrastructure." [Read more »](#)

## IMMIGRATION

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### **USCIS Closes Vt. EB-5 Investor Center Over Ski Resort Fraud**

Vermont said Tuesday it has received a termination notice from U.S. Citizenship and Immigration Services, saying it is shutting down the Vermont Regional Center for immigrant investors after an alleged scheme to defraud EB-5 visa holders who invested millions of dollars in the state's Jay Peak ski resort. [Read more »](#)

### **US Slaps Visa Sanctions On Laos, Myanmar**

The U.S. Department of Homeland Security hit Laos and Myanmar with visa sanctions after the Trump-administration determined that the two Asian nations have failed to cooperate sufficiently on taking back nationals the U.S. seeks to deport, the agency said Tuesday. [Read more »](#)

### **ICE, CBP Hit With Suit Over Immigrant Arrest Records**

The American Immigration Council asked a D.C. federal court Monday to force U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to hand over their immigration enforcement records, claiming the agencies illegally failed to respond to the nonprofit's Freedom of Information Act request. [Read more »](#)

### **Travel Ban Ruling Doesn't Apply To DACA, 9th Circ. Told**

The Ninth Circuit shouldn't view the U.S. Supreme Court's decision to side with the Trump administration in the travel ban case as a cue for greenlighting the executive branch's rescission of the Deferred Action for Childhood Arrivals program, attorneys representing the University of California, a California county and

several immigrants told the court Monday.  
[Read more »](#)

## NATIVE AMERICAN

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### **Navajo Nation Wants Radiation Compensation Law Expanded**

The Navajo Nation is pressing the U.S. Congress to update a federal law that provides compensation for people who contracted cancer and other serious diseases after being exposed to radiation during Cold War-era nuclear weapons testing, saying that the statute needs to be expanded. [Read more »](#)

### **Suit Challenging Census Citizenship Question Amended**

A federal lawsuit challenging the Trump administration's decision to include a citizenship question on the 2020 census has been updated to include claims that Native Americans would also be harmed by the inclusion of the query. [Read more »](#)

## TELECOMMUNICATIONS

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### **Feature**

#### **Top 3 Groups Lobbying The FCC**

During June, telecom lobbyists pressed harder on hot-button issues at the Federal Communications Commission including phone accessibility and model small-cell agreements. Here's a look at the top three groups lobbying the FCC from June 1 to June 30 and a sampling of what they care about. [Read more »](#)

#### **'Regulatory Humility' Will Spur New Technologies, Pai Says**

Federal Communications Commission Chairman Ajit Pai on Tuesday touted a philosophy of "regulatory humility" undergirding his leadership of the agency, telling a symposium in Switzerland that deferral to market mechanisms is the best way for

governments to foster the growth of new technologies. [Read more »](#)

### **NTIA Requests FCC Rulemaking On Emergency Network Use**

The National Telecommunications and Information Administration, the president's adviser on domestic and international telecommunications policy, asked the Federal Communications Commission on Monday to make rule changes that would allow government entities to have priority access to wireless operators' networks in times of emergency. [Read more »](#)

### **SpaceX, Others Back FCC Satellite Rule, But With Tweaks**

SpaceX and other space launch and satellite companies weighed in positively on the FCC's proposed rule to streamline licensing requirements for small satellites in comments made public Tuesday, although commenters also urged the commission to make several tweaks before finalizing the proposal. [Read more »](#)

### **MADD Urges FCC To Keep Car Safety Tech Alive**

Advocacy group Mothers Against Drunk Driving is urging the Federal Communications Commission to work with automakers to deploy a safety technology that would allow cars to communicate wirelessly with each other and infrastructure components to reduce accidents. [Read more »](#)

## **WHITE COLLAR**

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### **Jury Hears Of 'Skelos Family Shakedown' As Trial Nears End**

The Manhattan U.S. Attorney's Office made the case to jurors Tuesday that former New York State Senate Majority Leader Dean Skelos and his son Adam used the Long Island Republican's powerful office to extort real estate, environmental and insurance

companies, calling it "the Skelos family shakedown." [Read more »](#)

## EXPERT ANALYSIS

Series

### **High Crimes And Misdemeanors: 'Manifest Injury' Is Key**

Under the U.S. Constitution, impeachment requires no charging of crime, no intent to do wrong and no lawbreaking. Rather, impeachment focuses on significance of effect. President Bill Clinton's 1998 impeachment was a clear demonstration of the differences between criminal and impeachment prosecution, says attorney Barbara Radnofsky. [Read more »](#)

### **New Bill Addresses Systemic Risk In Cannabis Banking**

The newly introduced STATES Act would alleviate most of the issues that financial institutions face in providing services to marijuana-related businesses, say attorneys with Dykema Gossett PLLC. [Read more »](#)

Opinion

### **The Problem With SEC's Plan To Cap Whistleblower Awards**

The U.S. Securities and Exchange Commission's proposal to reduce payments to whistleblowers in the largest anti-fraud cases completely ignores the central purpose of the Dodd-Frank Act's whistleblower provisions, says Stephen Kohn of Kohn Kohn & Colapinto LLP. [Read more »](#)

Opinion

### **Law Schools Must Take A Stand Against Mandatory Arbitration**

Later this week, Harvard Law students will begin bidding on interview slots with the nation's top law firms. Our institutions owe it to their students not only to require firms to disclose mandatory arbitration provisions in new associate contracts, but also to bar employers from on-campus recruiting if they

require these provisions, says Isabel Finley, a third-year student at Harvard Law School and president of the Harvard Women's Law Association. [Read more »](#)

## LEGAL INDUSTRY

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### **Global 20: Norton Rose Fulbright**

Norton Rose Fulbright continues to handle cross-border matters in several industry sectors, from guiding Tesco in its \$220 million energy combination with Nabors to successfully defending a banking executive in the JPMorgan "London Whale" case, winning the firm a place for the sixth consecutive year on Law360's Global 20 list. [Read more »](#)

### **Kasowitz Among Those Exceeding Cravath On Associate Pay**

More than a month after Milbank Tweed Hadley & McCloy LLP sparked the start of the 2018 associate pay raises, more law firms continue to bump up salaries, with Kasowitz Benson Torres LLP on Tuesday announcing big raises that exceed the Cravath scale. [Read more »](#)

### **Ogletree Says Amending Gender Bias Complaint Is 'Futile'**

Ogletree Deakins Nash Smoak & Stewart PC urged a California federal judge Monday to reject a former firm attorney's request to amend her gender bias suit against the labor law powerhouse, arguing that bringing more individuals into the suit would be futile since her dispute is subject to an arbitration agreement. [Read more »](#)

### **Kirkland Booted From For-Profit Law School's ABA Suit**

An Arizona federal judge overseeing a suit by a for-profit law school against the American Bar Association has removed from the case three Kirkland & Ellis attorneys representing the school, including former U.S. Solicitor General Paul D. Clement, saying they have not

complied with out-of-state attorney admission procedures. Read more »

## Holland & Knight Adds Ex-Reed Smith Team For Philly Launch

Holland & Knight LLP announced Tuesday it has hired a dozen former Reed Smith LLP attorneys, including a longtime managing partner in Philadelphia, to help launch a new office in the City of Brotherly Love. Read more [1/2 B](#)

### JOBS

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**Sent:** Wednesday, July 11, 2018 3:26 PM  
**To:** Rep93  
**Subject:** ALEC - Standard Registration and Housing End TODAY!



**Only HOURS Left for Standard Registration  
Pricing and Housing Reservations!**

**Register Now for the 45th ALEC Annual Meeting**

**When:** August 8 - 10, 2018

**Where:** Hilton New Orleans Riverside  
New Orleans, LA



**>> REGISTER NOW**

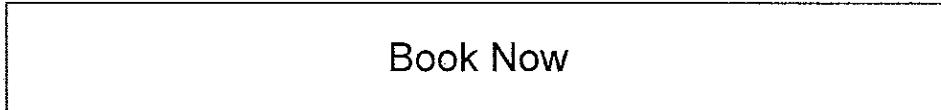
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**Make Your Reservation TODAY  
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Riverside**

Book now through July 11, 2018\* at  
the ALEC rate of \$159 per night.

\*based on availability

=A



**Book Now**

### **Important Meeting Information**

**July 10:** 30-Day Policy and Agenda Notification sent to ALEC members

- **Members**, please check your inbox for the notification from your Task Force Director.

**July 11:**

- Last day for the ALEC hotel rate \*based on availability
- Last day for Standard registration rates
- Exhibitor application deadline

**August 8 - 10: 45th ALEC Annual Meeting**

### Full Conference Agenda

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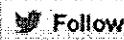
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**Subject:** Kennedy's Legacy Remains Alive In Kavanaugh's Nomination



Thursday, July 12, 2018



## SUPREME COURT NOMINATION

### Feature

#### **Kennedy's Legacy Remains Alive In Kavanaugh's Nomination**

Over his four decades on the federal bench, there was one clerk U.S. Supreme Court Justice Anthony Kennedy always praised effusively. Now, that clerk could be replacing the retiring justice on the high court. [Read more »](#)

### Feature

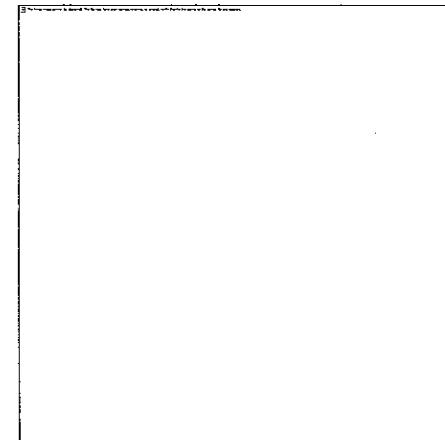
#### **4 Kavanaugh Arguments You Gotta Hear**

President Donald Trump's nomination of D.C. Circuit Judge Brett Kavanaugh to a seat on the U.S. Supreme Court has sent everyone scrambling to read what the jurist has written, but how about what he's said? Here, Law360 presents an interactive audio tour of four key Judge Kavanaugh arguments. [Read more »](#)

### Feature

#### **What Civil Rights Rulings Could Look Like Under Kavanaugh**

U.S. Supreme Court nominee Brett Kavanaugh's record on immigration, employee rights and health care suggests he could side more closely with high court conservatives than civil rights advocates would like, paving the way for closely watched rulings on some of



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Epstein Becker Green  
Faegre Baker  
Gibson Dunn  
Greenberg Traurig  
Gupta Wessler  
Herbert Smith Freehills

the nation's most controversial issues. Read more »

### **Senate Panel Gearing Up For Kavanaugh Vetting Fight**

The Senate Judiciary Committee has already begun what will be a lot of heavy lifting to get ready for a confirmation hearing on U.S. Supreme Court nominee Brett Kavanaugh, which could come before September, by staffing up and preparing to review hundreds of thousands of documents. Read more »

### **Kavanaugh Splurged On Baseball Tix, Reports Say**

D.C. Circuit Judge Brett Kavanaugh racked up steep credit card debt in 2016 to pay for Washington Nationals tickets, according to Wednesday news reports and disclosures by the U.S. Supreme Court nominee that also show he coaches kids' basketball and contributed to a law book without pay. Read more »

#### **Analysis**

### **Kavanaugh's Transportation Rulings Favor Limited Deference**

In the various transportation industry challenges he's considered over the years, D.C. Circuit Judge Brett Kavanaugh has made clear his distaste for granting broad deference to federal agencies, making clear he expects regulators to carefully justify their decision- and rule-making processes. Read more »

### **TOP NEWS**

### **Senate Confirms Kirkland Atty As DOJ Criminal Division Head**

The U.S. Senate voted on Wednesday 51-48 to confirm Brian Benczkowski's nomination as head of the Department of Justice's criminal division, despite Democratic senators' concerns about his work at Kirkland & Ellis LLP

Hogan Lovells  
Hoguet Newman  
Holland & Knight  
King & Spalding  
Kirkland & Ellis  
Latham & Watkins  
LeClairRyan  
Milbank Tweed  
Morrison & Foerster  
O'Melveny & Myers  
Paul Hastings  
Quarles & Brady  
Reed Smith  
Saul Ewing  
Shapiro Arato  
Sidley Austin  
Snell & Wilmer  
Stinson Leonard  
Sullivan & Worcester  
Vinson & Elkins  
Yetter Coleman

**COMPANIES**  
Allergan PLC  
Alliance of Automobile Manufacturers  
American Bar Association  
American Center for Law and Justice  
American Civil Liberties Union  
American Enterprise Institute  
American Federation of Government Employees  
American Federation of State, County and Municipal Employees  
Association of Corporate Counsel  
Baltimore Orioles  
Bank of America Corporation  
Bayer AG  
Bristol-Myers Squibb Co.

for a Russian bank and lack of experience in public criminal cases. Read more »

### **9th Circ. Pick Treads Fine Line On Environmental Stance**

Ryan D. Nelson, the third person nominated by President Donald Trump for a Ninth Circuit seat, acknowledged humans played a role in climate change but said during testimony at a Senate Judiciary Committee hearing Wednesday that he believed courts must adhere to the letter of the law when interpreting often old or ambiguous environmental statutes. Read more »

Analysis

### **Pipelines Come Out On Top With Nixing Of FERC Bias Claim**

The D.C. Circuit endorsed the status quo at the Federal Energy Regulatory Commission when it rejected arguments the agency's process favored industry groups at the expense of the environment, a decision that experts say preserves obstacles for groups that challenge pipeline projects. Read more »

### **New EPA Chief Signals Change In Tone But Not Substance**

The new, acting head of the U.S. Environmental Protection Agency on Wednesday extended an olive branch to staffers and journalists — many of whom tangled with Scott Pruitt, the scandal-plagued former leader of the EPA — and indicated he will continue to carry out the Trump administration's deregulatory agenda. Read more »

### **IRS Finalizes Anti-Inversion Regs That Sank \$160B Pfizer Deal**

The Internal Revenue Service implemented regulations Wednesday that a federal court had invalidated last October after they sank a planned \$160 billion merger between Pfizer Inc. and Allergan PLC of Ireland. Read more =

2

Center for Biological Diversity Inc.

Delaware Riverkeeper Network

Environmental Defense Fund Inc.

Epic Systems Corp.

Federalist Society

Federation for American Immigration Reform

Global Automakers

Google Inc.

Greater Boston Chamber of Commerce

International Brotherhood of Teamsters

Internet Brands, Inc.

Kirkland's, Inc.

Lambda Legal Defense & Educational Fund

LegalZoom.com Inc.

Los Angeles Dodgers

Macquarie Group Ltd.

Melaleuca Inc.

Murray Energy Corp.

NBCUniversal Inc.

National Conference of State Legislatures

National Education Association

National Federation of Independent Business

National Parks Conservation Association

National Right to Work Legal Defense Foundation

Natural Resources Defense Council

New York City Bar Association

New York University

Northern Mariana Islands Retirement Fund

Nuclear Energy Institute

## BANKING & SECURITIES

### House Passes Bill To Allow Venture Exchanges

The U.S. House of Representatives on Tuesday passed two bills aimed at improving capital formation for smaller companies, one of which would allow for the creation of venture exchanges and another that aims to improve research coverage for lesser-known companies. [Read more »](#)

## ENERGY & ENVIRONMENTAL

### EPA Says Challenge To Fuel Economy Rollback Too Early

The U.S. Environmental Protection Agency on Tuesday urged the D.C. Circuit to toss a challenge to its decision to revisit greenhouse gas emissions standards established by the Obama administration for 2022-2025 model cars and light trucks, arguing that the suits were premature. [Read more »](#)

### House Passes Fisheries Act Update Opposed By Enviros

The U.S. House of Representatives on Wednesday voted to renew a decades-old law designed to protect and replenish the nation's fish stocks, along with several amendments that Democrats and environmentalists said would weaken the statute. [Read more »](#)

### Enviros Press EPA On Heavy-Duty Truck Emissions Standards

A trio of environmental groups pushed the U.S. Environmental Protection Agency on Tuesday to revoke its recent decision to cease enforcing Obama-era greenhouse gas emissions standards for certain heavy-duty trucks outfitted with engines from older trucks, standards the agency plans to repeal. [Read more »](#)

## HEALTH & LIFE SCIENCES

Owner-Operator Independent Drivers Association Inc.

PHH Corporation

Pfizer Inc.

Service Employees International Union

Sierra Club

Southern Environmental Law Center

The Royal Bank of Scotland Group PLC

Tix Corporation

Twitter Inc.

U.S. Chamber of Commerce

United Food & Commercial Workers Int'l Union

University of Mississippi Medical Center

Verizon Communications Inc.

Washington Nationals

Washington Post Co.

Wayfair LLC

Xcel Energy Inc

ZTE Corp.

## GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Industry and Security

Bureau of Land Management

Consumer Financial Protection Bureau

Department of Commerce

Drug Enforcement Administration

Equal Employment Opportunity Commission

European Commission

European Union

Federal Aviation Administration

## **DEA Finalizes Prescription Opioid Anti-Diversion Policy**

The U.S. Drug Enforcement Administration finalized plans Wednesday to scrutinize diversion of prescription opioids for illicit uses when setting limits on opioid production, shooting down industry objections about potential shortages and methods of assessing diversion. [Read more »](#)

## **EMPLOYMENT**

### **Paid Family Leave Cheered But Proposals Diverge At Hearing**

Republicans and Democrats cheered the idea of creating a paid family leave program in the U.S., the only industrialized country that does not guarantee new mothers paid time off, but disagreed on how to do it during a Senate Finance Committee meeting on Wednesday. [Read more »](#)

## **CONSUMER PROTECTION**

### **Trump Retools Fraud Task Force To Focus On Consumers**

The Trump administration disbanded an Obama-era financial fraud task force on Wednesday, replacing it with another multiagency group led by the U.S. Department of Justice that targets a broader range of economic crimes — especially fraud on consumers and the government. [Read more »](#)

## **INTERNATIONAL TRADE**

### **WTO China Review Turns Ugly As More US Tariffs Loom**

A World Trade Organization review of China's trade regime gave way to a contentious scrap in Geneva on Wednesday as the Asian giant swapped blows with the United States over the Trump administration's decision a day earlier to target \$200 billion worth of Chinese exports with additional duties. [Read more »](#)

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Motor Carrier Safety Administration

Federal Trade Commission

Interior Board of Indian Appeals

Internal Revenue Service

Massachusetts Department of Revenue

Massachusetts Supreme Judicial Court

National Highway Traffic Safety Administration

National Labor Relations Board

Navajo Nation

New Jersey Legislature

New York State Department of Financial Services

New York State Senate

Office of National Drug Control Policy

Office of the U.S. Trade Representative

Securities and Exchange Commission

Surface Transportation Board

U.S. Attorney's Office

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

## **ZTE Takes Step Toward Lifting US Export Restrictions**

ZTE Corp. has inked a deal with the U.S. Department of Commerce that has it depositing \$400 million in an escrow account to lift a denial order that's blocking its access to the U.S. supply chain, the government said Wednesday. [Read more »](#)

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

## **Senate Pushes Back Against Trump's Security-Based Tariffs**

The U.S. Senate took a preliminary step to counter the Trump administration's use of a Cold War-era law to impose sweeping tariffs Wednesday, fueling a long-running legislative push to reinstate congressional authority over trade policy. [Read more »](#)

## **Nonprofit Can't Access EU Investment Arbitration Docs**

A European Union court on Wednesday shut down an effort by an environmental law nonprofit to force the European Commission to release documents relating to the compatibility of investment arbitration and the investment court system with EU law, agreeing with the commission that doing so could weaken its negotiating position. [Read more »](#)

## TAX

### **NH Council OKs Special Session To Counter Wayfair Ruling**

New Hampshire lawmakers can attempt to make life difficult for other states seeking to impose sales and use tax on remote transactions from in-state businesses, after the governor's request for a special legislative session to combat the U.S. Supreme Court's *Wayfair* ruling was approved Wednesday. [Read more »](#)

## BANKRUPTCY

### **PREPA Chief Resigns Amid Restructuring, Privatization Push**

The head of Puerto Rico's public electric utility has resigned just months after being installed to lead the company's privatization push as it struggles to restructure more than \$9 billion in debt and improve an unstable electric grid.

[Read more »](#)

## IMMIGRATION

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### **Immigrant Kids On Track For Family Reunification, US Says**

More than half of the children recently separated from a parent at the border who have been identified as covered under a class action, and who are eligible to be promptly reunited, were expected to be back with a guardian by a court-imposed deadline, the Trump administration told a California federal court Tuesday. [Read more »](#)

### **Bill Roundup: Improper Entry, TPS, Family Reunification**

House lawmakers introduced several bills Tuesday that would increase the minimum prison sentence for improper entry to the U.S., extend temporary protected status designation for certain countries and require the reunification of immigrant families. Here, Law360 delves into their proposals. [Read more »](#)

## NATIVE AMERICAN

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### **House Panel Pushes Forward Little Shell Recognition Bill**

The House Committee on Natural Resources on Wednesday easily passed a proposed bill that would give the Little Shell Tribe of Chippewa Indians of Montana federal recognition and a land base. [Read more »](#)

### **Feds Defer Gas Leasing Of Colo. Land To Consult With Tribe**

The federal government has decided to defer the leasing of almost a dozen parcels of land for possible oil and gas development in

Huerfano County, Colorado, in order to consult with the Navajo Nation first, a U.S. Bureau of Land Management representative said Wednesday. [Read more »](#)

## TELECOMMUNICATIONS

### **FCC Needs More Info Before Gutting Kids' TV, Sens. Warn**

Sens. Ed Markey and Richard Blumenthal warned Wednesday that the Federal Communications Commission is taking a step toward rolling back rules governing children's educational TV programming without adequately sussing the impact of such a change on young minds and low-income households. [Read more »](#)

### **Dems Say Proposed FCC Rule A Disservice To Consumers**

Two leading House Democrats on Tuesday urged Federal Communications Commission Chairman Ajit Pai to reconsider a proposed revision to the agency's rules they say would make it more difficult for consumers to get help with complaints against communications companies. [Read more »](#)

### **FCC Must Probe Carriers' Sharing Of User Data, Panel Hears**

The Federal Communications Commission must further probe the sharing of sensitive customer information collected by telecom providers and passed on to third parties without clear procedures for obtaining the users' consent, a House subcommittee on technology heard Wednesday. [Read more »](#)

### **FCC Announces \$100M Telehealth Pilot Program**

The Federal Communications Commission announced Wednesday it plans to launch a telehealth program aimed at improving health outcomes in rural areas and backed by \$100

million in funding from the Universal Service Fund. [Read more »](#)

## WHITE COLLAR

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### **Ex-NY Senate Head Denies Extortion In Final Plea To Jury**

An attorney for former New York State Senate Majority Leader Dean Skelos on Wednesday made his final pitch to jurors in the corruption retrial accusing the Long Island Republican and his son of leveraging political power to extort companies, saying there's no crime in the senator asking for assistance for his son. [Read more »](#)

## EXPERT ANALYSIS

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Series

### **High Crimes And Misdemeanors: Making Political Judgments**

Presidential impeachment exists not so that one party can decapitate the other, but to preserve the foundation of our democracy. For an impeachment to be legitimate, it must be a fair process in which Congress speaks for a majority of the American people in undoing an election, say Laurence Tribe of Harvard Law School and Joshua Matz of Gupta Wessler PLLC. [Read more »](#)

### **The Rise And Fall Of The Millionaire Tax In Massachusetts**

In a June 20, 2018, decision the Massachusetts Supreme Judicial Court ended a three-year effort to amend the Massachusetts Constitution and impose an additional tax on individuals with income exceeding \$1 million, David Nagle and Joseph Donovan of Sullivan & Worcester LLP analyze the history of the litigation, the decision and its implications. [Read more »](#)

### **All Unions Likely To Feel The Impact Of Janus V. AFSCME**

While the high court's decision in Janus v. AFSCME issued a direct and devastating hit to public-sector unions, its effects are likely to be far reaching. Unions representing both private- and public-sector employees, as well as union funding of political causes, will feel the blow, say Joseph Gross and Adam Primm of Benesch Friedlander Coplan & Aronoff. Read more »

### **#MeToo's Impact On Sexual Harassment Law Just Beginning**

The myriad sexual harassment laws proposed and passed this year show that legislatures are swiftly responding to the #MeToo movement. All employers should keep abreast of developments nationwide, because another state's laws may be coming soon to a legislature near you, says Susan Sholinsky of Epstein Becker & Green PC. Read more »

## **LEGAL INDUSTRY**

### **Global 20: Herbert Smith Freehills**

Herbert Smith Freehills used its global reach to help clients connected to the investigation into Russia's interference in the 2016 presidential election and to defend RBS in a high-profile action brought by thousands of investors over its £12 billion rights issue, landing the firm on Law360's Global 20 list. Read more »

### **Female GCs Earn 78 Cents For Every Dollar Male GCs Collect**

The median total pay for female general counsel is \$210,000, compared with the \$270,000 median total compensation that men earn at the same level, according to a report released Wednesday. Read more »

### **Ways In-House Counsel Can Foster A Positive Co. Culture**

Part of the role of in-house counsel amid the #MeToo movement is to effect change at their organizations and proactively try to create an environment in which employees are more

sensitive, panelists at a New York City Bar Association event said Tuesday. They shared three other tips for how business lawyers can build a culture of respect. [Read more »](#)

### **NY Boutique Duval & Stachenfeld Hikes Associate Pay**

Announcements of associate salary bumps continued apace as Manhattan-based real estate boutique Duval & Stachenfeld LLP informed its staff on Tuesday that it will increase base salaries, effective from the beginning of July, to adhere to the new market scale, at least for younger attorneys. [Read more »](#)

#### **Analysis**

### **Avvo's End Spells Opportunity For Other 'Disrupter' Legal Cos.**

Avvo Legal Services may have succumbed to regulators troubled by a business model offering a menu of legal work for fixed fees, but that might only add wind to the sails of other legal industry "disrupters" focused on low-cost services. [Read more »](#)

### **Kirkland Gets OK To Rejoin Law School Suit Against ABA**

A day after being shown the door in an Arizona federal court case challenging the American Bar Association law school accreditation process, a Kirkland & Ellis LLP team was welcomed back on Tuesday. [Read more »](#)

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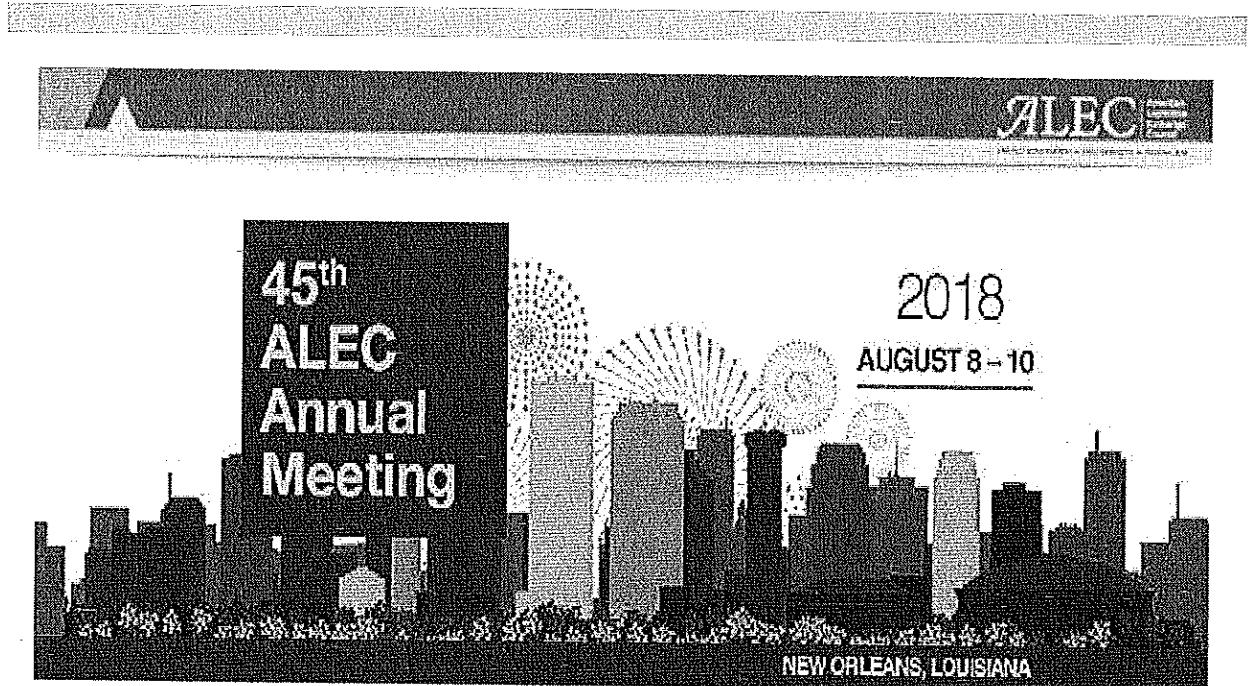
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**From:** Lisa B. Nelson  
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**Subject:** ALEC - Special Invitations



## You're Invited!

Please join me for these exclusive, invitation-only ALEC VIP Events  
*in conjunction with the 45th ALEC Annual Meeting*

RSVP

Leadership  
Reception Speaker

Leadership Reception &  
Dinner

Leadership  
Dinner Speaker A  
= A

**Tuesday, August 7, 2018**  
Hilton New Orleans Riverside  
2 Poydras Street  
New Orleans, LA 70130

**Reception: 6:00 PM - 7:00 PM**  
**Dinner: 7:00 PM - 8:30 PM**

**Mr. Michael B. Farris**

**Mr. Richard S. Holson III**

President and CEO of  
Guarantee Trust Life  
Company

President and CEO of  
Alliance Defending  
Freedom

*Followed by a*  
**Free Speech Dessert Reception**

8:30 PM- 9:30 PM

The Free Speech Desert Reception is a unique opportunity to see how speech regulation impacts everyday life. We all know free speech is protected by the First Amendment, but it is an abstract concept. At the reception, you will interact with policymakers and experts throughout the country as you enjoy sweet treats and other goodies= 2but be sure to follow the rules and read all the labels before having too much fun.

- Mingle with ALEC attendees as you learn how your state measures up in protecting the privacy of donors.
- Listen to some good New Orleans Jazz (and some censored tunes too) as you experience what life is like on a college campus with ridiculous speech codes.
- Fill up on some tasty desserts while learning how our favorite treats may be the new Enemy of the State.

Free Speech is under attack all across the country—let's have fun while we (still) can.

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**ALEC Cigar Reception**

**Thursday, August 9, 2018**  
Mardi Gras World

1380 Port of New Orleans Place

New Orleans, LA 70130

9:00 PM - 11:00 PM

**RSVP**

**The deadline to RSVP is Sunday, August 5th, 2018**

**These events are Invitation-Only. Invitations are Non-Transferable.**

**Contact Giovanni Triana for more information.**

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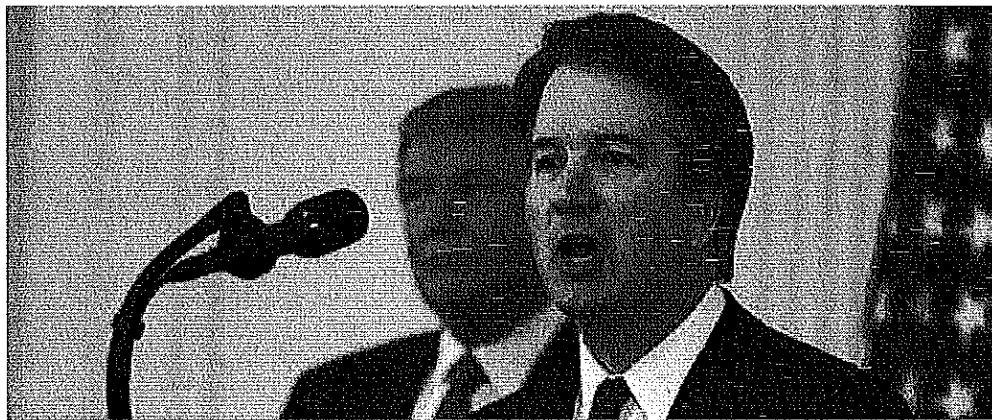
**From:** Public Policy Law360  
**Sent:** Friday, July 13, 2018 11:46 AM  
**To:** Rep93  
**Subject:** Kavanaugh's Writing, Argument Style & More: Everything You Need To Know About The Nominee



Friday, July 13, 2018



## IN HIS WORDS



### 5 Kavanaugh Opinions You Need To Read Right Now

President Donald Trump called Judge Brett Kavanaugh a "judge's judge" when he named him Monday as his pick to succeed retiring U.S. Supreme Court Justice Anthony Kennedy. As all eyes turn to the Senate for what is expected to be a bruising confirmation process, here are the opinions.

### 'Not A Complicated Case': Kavanaugh's Straightforward Style

There's no argle-bargle in Judge Brett Kavanaugh's opinions. Instead, he's made a name for himself on the D.C. Circuit with clear, concise writing.

### 4 Kavanaugh Arguments You Gotta Hear

President Donald Trump's nomination of D.C. Circuit Judge Brett Kavanaugh to a seat on the U.S. Supreme Court has sent everyone scrambling to read what

## COMPANIES

AT&T Inc.  
American Federation of Labor and Congress of Industrial Organizations  
Boehringer Ingelheim  
Cable News Network Inc.  
Cato Institute  
Chevron Corp.  
Fannie Mae  
Federalist Society  
Hobby Lobby Stores  
Janus Capital Group Inc.  
McDonald's Corporation  
National Consumer Law Center  
Oil States International Inc.  
PHH Corporation  
SAS Institute  
Santander Consumer USA Holdings Inc.  
The City University of New York  
Twitter Inc.  
Verizon Communications Inc.

## GOVERNMENT AGENCIES

the jurist has written, but how about what he's said? Here, Law360 presents an interactive audio tour of four key Judge Kavanaugh arguments.

## HOW HE COULD CHANGE THE COURT

### With Kavanaugh's Nomination, Chevron's Future Looking Grim

Confirmation of President Donald Trump's nominee to the U.S. Supreme Court, D.C. Circuit jurist and conservative all-star Brett Kavanaugh, would spell further trouble for federal agencies and so-called Chevron deference, but experts predict that the pro-regulation judicial doctrine is unlikely to be overturned completely in the near future.

### Kavanaugh's Views Could Mean Increased Scrutiny Of USPTO

D.C. Circuit Judge Brett Kavanaugh has a fairly sparse record on intellectual property issues, but the U.S. Supreme Court nominee's skepticism of the power of administrative agencies could lead him to closely scrutinize decisions by the U.S. Patent and Trademark Office, attorneys say.

### 6 Kavanaugh Employment Cases Lawyers Need To See

As D.C. Circuit Judge Brett Kavanaugh prepares to embark on a potentially contentious confirmation process, a look at his judicial record in labor and employment cases reveals a judge who often sides with employers and tends to take a tough line with federal agencies. Here, Law360 looks at a handful of Judge Kavanaugh's employment law opinions that could offer a glimpse as to what his positions on the high court may look like.

### Kavanaugh Dissent Shows Skepticism For Deference To SEC

U.S. Supreme Court nominee D.C. Circuit Judge Brett Kavanaugh has earned a reputation for being skeptical of "overreaching" federal agencies, a point of view that could significantly influence how the high court defers to the U.S. Securities and Exchange Commission going forward, legal experts said Tuesday.

### Kavanaugh Could Mean High Court Trouble For CFPB

D.C. Circuit Judge Brett Kavanaugh would bring to the U.S. Supreme Court a skepticism of regulatory agency authority that could be a boon for the financial-services industry and a bummer for the Consumer Financial Protection Bureau, experts say.

Consumer Financial Protection Bureau

Copyright Royalty Board  
Equal Employment Opportunity Commission

Federal Communications Commission

Federal Reserve System  
Federal Trade Commission

National Labor Relations Board  
Occupational Safety and Health Administration

Securities and Exchange Commission

U.S. Copyright Office

U.S. Department of Labor

U.S. Department of the Interior  
U.S. Environmental Protection Agency

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

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POLICY

## LEX MACHINA - 2018 Top Law Firm Report for Select Federal Litigation

Rankings across all of Lex Machina's practice area modules – patent, antitrust, employment, product liability, securities, and more – on the firms that have filed and defended the most cases. Request your copy here.

Friday, May 11, 2018



### TOP NEWS

#### **EXCLUSIVE: Immigration Court Overhaul Outlined In Draft Bill**

Sen. Kirsten Gillibrand, D-N.Y., is considering introducing sweeping legislation to overhaul the nation's immigration court system by establishing independent tribunals with trial and appellate divisions, according to a draft of the bill obtained exclusively by Law360 on Thursday. [Read more »](#)

#### **Cleary, Skadden, Sidley Vets Among Latest Judicial Picks**

President Donald Trump launched another bloc of court nominees Thursday, announcing picks for the Ninth Circuit and district courts in New York, Pennsylvania and Alabama, including a partner from Cleary Gottlieb Steen & Hamilton LLP and veterans of Skadden Arps



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### LAW FIRMS

Slate Meagher & Flom, Simpson Thacher & Bartlett and Sidley Austin LLP. Read more »

### **Gass Weber Partner Overcomes Dems For 7th Circ. Seat**

The Senate confirmed Gass Weber Mullins LLC partner Michael Brennan to a post on the Seventh Circuit on Thursday, despite Democrats' complaints that the appointment violated traditional U.S. Senate deference to home-state senators. Read more »

### **Starn O'Toole Vet Makes Headway Toward 9th Circ. Bench**

President Donald Trump's choice for a Ninth Circuit vacancy sailed through the Senate Judiciary Committee with bipartisan support Thursday, putting one of the president's picks for the high-profile court on the Senate floor for the first time. Read more »

#### Feature

### **Trump To Unveil 4-Point Plan For Curbing Drug Prices**

President Donald Trump on Friday will target drug prices with a four-point plan intended to boost the negotiating power of private Medicare plans, reduce list prices, ease out-of-pocket costs and tackle "freeloading" by countries that more aggressively limit prices, according to senior administration officials. Read more »

#### Analysis

### **New Tax Law's Impact On M&A Coming Into Focus**

The new federal tax law was expected to change how deals get structured, and four months after its enactment, it is becoming clear how the legislation is having an impact on negotiations and tax planning strategies. Read more »

### **Giuliani Resigns From Greenberg Traurig Amid Trump Work**

Addleshaw Goddard

Arnold & Porter

Bailey Cavalieri

Baker McKenzie

Bancroft PLLC

Barnes & Thornburg

Bienert Miller

Birch Horton

Blank Rome

Bracewell

Bricker & Eckler

Bryan Cave

Butler Snow LLP

Carter Ledyard

Cary Kane

Cleary Gottlieb

Cotsirilos Tighe

Covington & Burling

DLA Piper

Dechert

Dentons

Dickstein Shapiro

Dilworth Paxson

Dinsmore & Shohl

Earthjustice

Foley & Lardner

Fredrikson & Byron

Gass Weber

Gibson Dunn

Greenberg Traurig

Herbert Smith Freehills

Hodgson Russ

Hogan Lovells

Holland & Knight

Jones Day

Kaeske Law Firm

Kessler Topaz

Kirkland & Ellis

Former federal prosecutor and New York City mayor Rudy Giuliani has resigned from Greenberg Traurig LLP just weeks after he joined President Donald Trump's legal team, the law firm confirmed on Thursday. Read more »

## BANKING & SECURITIES

### Crypto-Mining Poses Tax Headache For IRS, Panelist Says

The proliferation of cryptocurrency mining represents a tax administration hurdle for the Internal Revenue Service, an attorney with the agency told a conference audience Thursday in Washington, D.C. Read more »

### SEC Opens 'Best Interest' Broker Proposal To Public Comment

The U.S. Securities and Exchange Commission on Wednesday opened the public comment period on its proposal to hold brokers to a higher standard of care if they are giving advice to retail investors. Read more »

## ENERGY & ENVIRONMENTAL

### Analysis

### State-Federal Rift Pushes Power Markets To Breaking Point

Backlash against regional grid operator PJM Interconnection LLC's recent proposal to blunt the impact of state subsidies for clean energy in so-called capacity markets where power producers are paid to meet future demand highlights growing tensions between state and federal electricity policies that have experts questioning whether these markets have a viable future. Read more »

### Trump Policies And More Leave Oil Prices A Hazy Unknown

The fate of oil prices over the next year is hazy and fraught with potential volatility thanks to a cocktail of factors ranging from Trump administration policies, including the decision

Lane Powell  
Law Office of Louise A. Herman  
Linklaters  
Mayer Brown  
McDermott Will  
Miller & Chevalier  
Miller Mayer  
Mishcon de Reya  
Morgan Lewis  
Morrison & Foerster  
Norton Rose Fulbright  
Oblon  
Ogletree Deakins  
Perkins Coie  
Prickett Jones  
Proskauer Rose  
Quinn Emanuel  
Sanford Heisler  
Sedgwick LLP  
Shipman & Goodwin  
Sidley Austin  
Simpson Thacher  
Skadden  
Starn O'Toole  
Steptoe & Johnson LLP  
Wallace & Graham  
Wilkinson Barker  
  
COMPANIES  
Amazon.com Inc.  
American Bar Association  
American Immigration Council  
American Immigration Lawyers Association  
American Legislative Exchange Council  
American Trucking Associations Inc.  
Apple Inc.

to pull out of the Iran nuclear deal, to decreased production out of Venezuela and constraints on the Permian Basin, experts told oil and gas industry professionals gathered in Houston on Thursday. Read more »

### **EPA Floats Overhaul Of National Ozone Limits Review**

The U.S. Environmental Protection Agency on Thursday said it will overhaul how it reviews national ozone limits by considering a range of adverse effects including economic and energy-related ones, following President Donald Trump's demand that the agency make it easier for states and industries to comply with national air emissions standards. Read more »

### **Enviros' CRA Challenge Over Nixed Hunting Rule Gets Tossed**

A federal judge on Wednesday threw out a lawsuit brought by an environmental group to challenge the constitutionality of the Congressional Review Act after it was used under the Trump administration to roll back a U.S. Fish and Wildlife Service rule prohibiting certain hunting and trapping practices on protected federal lands in Alaska. Read more »

### **Feds Say Youth Climate Suit Defies Separation Of Powers**

The federal government urged an Oregon federal judge Wednesday to toss a suit accusing federal agencies and the president of failing to protect future generations from the effects of climate change, arguing the relief sought in the case would violate the Constitution's separation of powers. Read more »

## **REAL ESTATE**

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### **Judge Stops Clock As Ohio Fights To Retain Soccer Team**

An Ohio judge has stopped the clock on the statutory period during which the Columbus

Boehringer Ingelheim  
Boston Scientific Corporation  
Center for Biological Diversity Inc.  
Center for Strategic and International Studies  
Commerce and Industry Association of New Jersey  
Electric Reliability Council of Texas Inc.  
Enbridge  
Expedia Inc.  
Facebook  
Federal Bar Association  
Federation for American Immigration Reform  
Financial Industry Regulatory Authority Inc.  
Finjan Holdings Inc.  
Fitbit Inc.  
Flipkart Internet Pvt. Ltd.  
Fortress Investment Group LLC  
Hobby Lobby Stores  
ISO New England Inc.  
Immigration Reform Law Institute  
Intelliecheck Mobilisa Inc.  
International Brotherhood of Teamsters  
MAPFRE SA  
MGM Grand Hotel LLC  
MGM Resorts International  
Major League Soccer LLC  
McAfee, Inc.  
Melaleuca Inc.  
Microsoft Corporation  
Mohegan Sun  
NFL Enterprises LLC  
National Rifle Association of America  
National Right to Work Legal Defense Foundation

Crew soccer team must field offers from potential buyers before it moves to Texas, in a case with implications on states' influence over sports teams that have received public assistance. [Read more »](#)

## EMPLOYMENT

### **NLRB Members Signal Plans To Review Blocking-Charge Rule**

Two Republican members of the National Labor Relations Board signaled Wednesday that the agency may soon revisit its decades-old policy of pausing union elections when a party alleges that workers' freedom to choose whether they want to be represented by a union has been infringed. [Read more »](#)

### **NJ Lawmakers Advance Bill Limiting Noncompete Agreements**

A New Jersey Assembly panel on Thursday advanced legislation to limit the scope of noncompete agreements amid concerns that the measure would jeopardize companies' efforts to protect their confidential information and drive away businesses from the state. [Read more »](#)

## CYBERSECURITY & PRIVACY

### **As GDPR Looms, UK Biz Get Guidance On Consent Rules**

The U.K.'s privacy regulator has issued its final guidance to businesses that will need to gain consent to process personal data under the European Union's General Data Protection Regulation, a sweeping new data regime that comes into force in just two weeks. [Read more »](#)

## CONSUMER PROTECTION

### **Law Firm Cites Mulvaney In 9th Circ. Challenge To CFPB**

A California law firm that's asking the Ninth Circuit to free it from a Consumer Financial

Nevro Corp.  
PJM Interconnection LLC  
Pacific Legal Foundation  
Professional Insurance Agents  
QUALCOMM Incorporated  
SK Hynix Inc.  
Savills Studley Inc.  
Schlumberger Limited  
Shire PLC  
Southwest Power Pool Inc.  
State Bar of California  
Takeda Pharmaceutical Co. Ltd.  
Talen Energy Corp.  
TripAdvisor Inc.  
United Mine Workers of America  
Viking Global Investors  
Wal-Mart Stores Inc.  
Wells Fargo & Co.  
Zillow Inc.

**GOVERNMENT AGENCIES**  
Army Corps of Engineers  
Bureau of Citizenship and Immigration Services  
Central Intelligence Agency  
Connecticut General Assembly  
Consumer Financial Protection Bureau  
European Union  
Executive Office for Immigration Review  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Trade Commission  
Fish and Wildlife Service

Protection Bureau civil investigative demand pressed its challenge to the constitutionality of the agency's structure on Wednesday, citing recent criticism from CFPB acting Director Mick Mulvaney that the agency he leads "is far too powerful." [Read more »](#)

## GOVERNMENT CONTRACTS

### **Attys Who Sued Hastert In FCA Row Spared Sanctions**

Attorneys representing a would-be whistleblower in a False Claims Act suit against former U.S. House Speaker Dennis Hastert will not be sanctioned for filing the suit after settling the dispute with Hastert, an Illinois federal judge ruled Wednesday. [Read more »](#)

## AEROSPACE & DEFENSE

### Analysis

### **Iran Deal Exit To Cast Shadow Over Future Negotiations**

President Donald Trump's decision to withdraw from the 2015 Iran nuclear deal has cast the U.S. as an unreliable ally and negotiator in the eyes of both allies and adversaries, and the effects on future international deals will be hard to shake, attorneys say. [Read more »](#)

### **Trump's Military Parade Stays In \$717B House Defense Bill**

The House Armed Services Committee wrapped up consideration of its \$717 billion version of the 2019 National Defense Authorization Act early Thursday, with the final bill continuing to support President Donald Trump's proposed military parade, among several contentious clauses. [Read more »](#)

## INTERNATIONAL TRADE

### **Commerce Chief Ross Upbeat On China Trade Talks**

Commerce Secretary Wilbur Ross said Thursday that he was optimistic about the

Food and Drug Administration  
Government Accountability Office  
Internal Revenue Service  
Leech Lake Band of Ojibwe  
Mashantucket Pequot Tribal Nation  
Mohegan Tribe  
NAFTA

National Labor Relations Board

Port Authority of New York & New Jersey

Securities and Exchange Commission

Solicitors Regulation Authority

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

Trump administration's ongoing trade discussions with China on everything from industrial policy to intellectual property rules, saying that last week's trip to Beijing laid a solid foundation for future talks. [Read more »](#)

### **State Lawmakers Rally For NAFTA Investment Protection**

As officials negotiating the North American Free Trade Agreement continued to huddle in Washington, D.C., Thursday to strike a final deal, a slew of state legislators pressed them to secure the agreement's controversial arbitration system for foreign investors. [Read more »](#)

## **BANKRUPTCY**

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### **GAO Proposes Tightening Debt To Address Puerto Rico Crisis**

The Government Accountability Office has suggested increased federal regulation of Puerto Rico's issuing of debt will help it recover from its debt crisis, with the territory countering that the federal office overlooked the structural inequality underlying its financial condition. [Read more »](#)

## **IMMIGRATION**

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#### **Analysis**

### **3 Immigration Rules To Watch In Trump's Spring Agenda**

The Trump administration published its spring regulatory agenda on Wednesday, highlighting proposed policies that would implement key structural changes at the office that oversees immigration courts, increase investment requirements for EB-5 visas and revoke a visa program for entrepreneurs. Here, immigration attorneys examine the key provisions to watch in the coming months. [Read more »](#)

### **Open Immigration Cases Increase, DOJ Unit's Report Says**

The number of pending immigration cases increased by 7 percent during the first six months of the current fiscal year, while the median completion time for cases involving detainees continued to tick down, according to new statistics from the federal Executive Office for Immigration Review. [Read more »](#)

### **Immigration Group Sues 2nd Ind. City Over Welcoming Policy**

The legal arm of an organization that calls for lower immigration levels on Wednesday filed its second lawsuit challenging the legality of ordinances in Indiana communities that call for the towns to be welcoming to immigrants and for authorities to not cooperate with federal immigration-related requests unaccompanied by court orders. [Read more »](#)

## NATIVE AMERICAN

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### **Enbridge, Tribe Slam ALJ Report Rejecting New Pipeline Route**

The company behind a pipeline replacement project on Wednesday opposed an administrative law judge's recommendation that the company's new pipeline should be constructed only on the route of the one already there, a sentiment echoed by a Native American band. [Read more »](#)

### **Conn. Tribal Casino Plan Gets Boost As Rival Bill Falls Short**

The Connecticut General Assembly ended its legislative session late Wednesday without voting on a bill that could have paved the way for a proposed MGM Resorts casino in Bridgeport, a project that would have posed a major obstacle to the Mohegan and Mashantucket Pequot's own plans to open a new casino in the state. [Read more = 2](#)

## TELECOMMUNICATIONS

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### **FCC Refuses To Reduce \$120M Robocalling Fine**

The Federal Communications Commission on Thursday cemented a \$120 million spoofing fine against a Miami man, voting to ink the previously proposed penalty after finding that Adrian Abramovich's robocalling activity and former Telephone Consumer Protection Act violations were enough to merit the full amount. [Read more »](#)

### **Net Neutrality Sunset Date Set For June**

The Obama-era net neutrality rules that controlled how internet service providers treated online traffic and classified internet services as utilities will officially be wiped from the books on June 11, the Federal Communications Commission said Thursday morning. [Read more »](#)

### **GWB Figures Say Salary Expenses Can't Sustain Convictions**

Two former associates of ex-New Jersey Gov. Chris Christie told the Third Circuit on Wednesday that prosecutors have not proven they misused government resources worth at least \$5,000 in causing politically motivated gridlock at the George Washington Bridge, marking the threshold needed to sustain some of their convictions in the scandal. [Read more »](#)

## **PEOPLE**

### **Dechert Adds Ex-White House Atty To Litigation Team**

Dechert LLP has strengthened its global litigation practice with the addition of a former White House attorney who successfully steered Neil Gorsuch to his confirmation as a U.S. Supreme Court justice last year and helped the NFL spike Tom Brady's challenge to his suspension over the "Deflategate" scandal. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Congressional Forecast: May**

Congress returned to Washington, D.C., this week for a three-week work period before the Memorial Day recess. The Republican majority is aiming to meet deadlines on several priority items, including fiscal year 2019 appropriations bills and renewed program authorizations for agriculture, defense and the Federal Aviation Administration, say Layth Elhassani and Kaitlyn McClure of Covington & Burling LLP.

[Read more »](#)

### **Growing Caregiver Benefits In The US Workplace And Beyond**

As Mother's Day approaches and more initiatives in the U.S. and around the world are aimed at increasing opportunities at work for working mothers (and caregivers more generally), attorneys with Baker McKenzie discuss recent benefits made available to these employees and review updates multinational employers need to know. Read more »

### **The District Court Split On Pleading Indirect Infringement**

District courts have diverged over the years as to what the proper standards should be for pleading indirect patent infringement. The Federal Circuit or Congress should resolve this inconsistency, says Joseph Saltiel of Dinsmore & Shohl LLP. [Read more »](#)

### **8 Reasons To Take A Fresh Look At Your Law Office Lease**

After moving into a new law office, tenants often file their signed leases away, figuring that the terms are set for a few years at least. However, leases can be very flexible instruments, and should be reviewed annually even if nothing seems amiss, says Tiffany Winne of Savills Studley Inc. [Read more »](#)

## **LEGAL INDUSTRY**

## **Titan Of The Plaintiffs Bar: Sanford Heisler's David Sanford**

David Sanford of Sanford Heisler Sharp LLP enhanced his already prodigious reputation as a top-tier plaintiffs' side attorney over the past year by working to resolve high-profile gender discrimination suits against Chadbourne & Parke LLP and Sedgwick LLP, earning him a place among Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Review

## **'RBG' An Intriguing Look At The Most Meme-Worthy Justice**

The new documentary "RBG" paints an entertaining portrait of U.S. Supreme Court Justice Ruth Bader Ginsburg and her contributions to American law and society, even as the film suggests that some of her most important work happened decades before she joined the high court. [Read more »](#)

## **Quinn Emanuel Ousts UK Atty After Misconduct Allegations**

Quinn Emanuel Urquhart & Sullivan LLP dismissed a London partner without pay on Tuesday following an investigation into allegations of improper behavior brought by two staffers, the firm said in a statement. [Read more »](#)

## **Calif. High Court Approves Rules Revamp For Atty Conduct**

For the first time since 1987, the California Supreme Court on Thursday approved major revisions to the rules of professional conduct for in-state attorneys, adding new guidelines that address advertising, conflicts of interest, sexual relations with clients, and a host of other concerns. [Read more »](#)

## **For-Profit Law School Sues ABA Over Enforcement Action**

Florida Coastal School of Law filed suit Thursday against the American Bar Association, which recently determined the

school had failed to meet ABA standards, saying the association's enforcement actions have been inconsistent, its standards are vague and that the action against Florida Coastal was an "attack on diversity." Read more »

## Law360's Weekly Verdict: Legal Lions & Lambs

Linklaters snagged the title of top legal lion this week, guiding Takeda in its \$62.1 billion acquisition of rare disease-focused drugmaker Shire, while Arnold & Porter ended up on the legal lambs list after a federal judge sanctioned the law firm for filing frivolous motions on behalf of Boston Scientific in a patent infringement suit. Read more »

### JOBS

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**From:** Public Policy Law360  
**Sent:** Monday, May 14, 2018 4:58 AM  
**To:** Rep93  
**Subject:** 'High-Performance' Building Becoming Easier, Less Costly



Monday, May 14, 2018



## TOP NEWS

### Feature

#### **'High-Performance' Building Becoming Easier, Less Costly**

With businesses and governments looking for ways to save money on operating costs in buildings and garner some positive press at the same time, "high-performance" structures that use the latest technology to conserve energy and water have overcome an early reputation for costliness and are becoming a more popular choice. [Read more »](#)

### Analysis

#### **5 Common Myths About EU's New Data Protection Regime**

The sweeping General Data Protection Regulation set to take effect in the European Union in just two weeks promises to revolutionize how companies around the globe handle personal data while imposing stiff penalties on those that don't comply. But attorneys say that although companies have had two years to get up to speed, several troubling myths still persist. [Read more »](#)

### Feature

#### **Wayfair's Counsel On Keeping State Tax Law Constitutional**

Even for Wayfair counsel George Isaacson, who has decades of experience representing



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### LAW FIRMS

Akin Gump  
Allen & Overy  
Altshuler Berzon  
Anthony Kennedy PC  
Arnold & Porter  
Baker Botts  
Baker McKenzie  
Bernabei & Kabat

retailers, the South Dakota statute used to challenge the physical presence standard for sales and use tax collection was something new. In this interview, the Brann & Isaacson senior partner describes how the law is unique — and not necessarily in a good way. [Read more »](#)

**Analysis**

**Trump Vows Cheaper Drugs 'Very Soon,' But That's Unlikely**

President Donald Trump on Friday uncorked numerous proposals to ease drug prices and promised that consumers will benefit "very soon," but the proposals are so vague and preliminary that major short-term relief is unlikely, experts say. [Read more »](#)

**Analysis**

**FinCEN Due Diligence Rule Should Be On Crypto Cos.' Radar**

The Financial Crimes Enforcement Network's customer due diligence rule went into effect Friday for banks and certain other financial institutions, and cryptocurrency companies that may not be covered by the rule now would be wise to pay attention to it, legal experts say. [Read more »](#)

**BANKING & SECURITIES**

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**Blockchain Startup Prometheum Files \$50M ICO Under Reg A+**

Blockchain technology startup Prometheum Inc. on Friday filed amended plans to raise up to \$50 million through an initial coin offering, using the so-called Reg A+ exemption in hopes of satisfying securities regulators who are increasingly scrutinizing the novel capital-raising deals often dubbed ICOs. [Read more »](#)

**Analysis**

**SEC Faces Calls To Push Back Harder On Audit Trail Delays**

Eight years have passed since the May 6, 2010, flash crash and calls are growing for the U.S. Securities and Exchange Commission to

Blank Rome  
Brann & Isaacson  
Brewer, Attorneys & Counselors  
Buchalter PC  
Buckley Sandler  
Carlton Fields  
Carter Ledyard  
Cleary Gottlieb  
Cooley  
Cooper & Kirk  
Cotchett Pitre  
Covington & Burling  
Cozen O'Connor  
Crowell & Moring  
Davis Wright Tremaine  
Debevoise & Plimpton  
Duane Morris  
Fisher Phillips  
Foley & Lardner  
Garland Samuel  
Gibson Dunn  
Greenberg Traurig  
Groom Law Group  
Grower Ketcham  
Gusrae Kaplan  
Harris Wiltshire  
Hogan Lovells  
Holland & Knight  
Hunton Andrews Kurth  
Husch Blackwell  
Jenner & Block  
Jones Day  
Katten Muchin  
Kaufman Semeraro  
Kelley Drye  
Kilpatrick Townsend  
Kirkland & Ellis  
Kostelanetz & Fink

forcefully address delays to a powerful, long-awaited market surveillance tool called the consolidated audit trail designed to prevent a repeat. [Read more »](#)

### **NRA Sues Cuomo, NY Regulator For 'Discrimination Campaign'**

The National Rifle Association sued New York Gov. Andrew Cuomo and the state's top financial regulator on Friday, seeking millions of dollars in damages for what it alleges has been an "overt viewpoint-based discrimination campaign" that is scaring off the gun rights organization's business partners and threatening its First Amendment rights. [Read more »](#)

### **Scottrade Rips Mass. Official's Bid To Remand Fiduciary Row**

Attorneys for Scottrade Inc. blasted Massachusetts' top securities official Friday in opposing a bid to litigate an enforcement action at the state level, accusing him of carrying out a personal vendetta of sorts to enforce the U.S. Department of Labor's upended fiduciary rule for retirement account advisers. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

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### **Analysis**

### **Low-Profile EPA Air Quality Shift Could Mean Big Changes**

The U.S. Environmental Protection Agency recently revealed a significant change in how it assesses air pollution from closely linked facilities in an unpublicized letter to Pennsylvania environmental regulators, and experts say it will result in an easier permitting process for some projects. [Read more »](#)

### **Enviros Push To Kill Waiver For New Mexico Border Wall**

Environmental groups asked a D.C. district judge on Thursday to kill the waiver for environmental and other oversight laws

Latham & Watkins  
Lieff Cabraser  
Locke Lord  
McDermott Will  
McKool Smith  
Morgan Lewis  
Morrison & Foerster  
Murphy & McGonigle  
Norton Rose Fulbright  
O'Melveny & Myers  
O'Neill & Borges  
Paul Hastings  
Pietrantoni Mendez  
Polsinelli  
Proskauer Rose  
Reed Smith  
Ropes & Gray  
Saul Ewing  
Schiff Hardin  
Sheehan Phinney  
Sidley Austin  
Simpson Thacher  
Skadden  
Stevens & Lee  
Stoel Rives  
Stradley Ronon  
Thompson Hine  
Tompkins McGuire  
Venable LLP  
Ware Immigration  
Weitz & Luxenberg  
Winston & Strawn

**COMPANIES**  
Adventist Health System Inc.  
Advocate Health Care Inc.  
Air Line Pilots Association International  
America's Health Insurance Plans

granted by the U.S. Department of Homeland Security for the quick construction of an approximately 20-mile stretch of border wall, alleging Congress never gave it such wide power. [Read more »](#)

## REAL ESTATE

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### **Transcript Mishap Sinks Challenge To 91-Home Project In NJ**

A New Jersey state appellate panel has refused to disturb a trial court ruling tossing a lawsuit over the municipal approval of a 91-home development in Bayonne because the project's opponents never ordered transcripts of the proceedings before the city's planning board after telling the court they had done so. [Read more »](#)

## EMPLOYMENT

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### **9th Circ. Revives Chamber's Suit Over Seattle Uber Union Law**

The Ninth Circuit on Friday breathed new life into the U.S. Chamber of Commerce's challenge to a Seattle law letting app-based drivers bargain collectively, partially reversing a trial court's decision that dismissed the suit and holding that the city ordinance isn't exempt from federal antitrust law. [Read more »](#)

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### **US Enters ERISA Suit To Defend 'Church Plan' Exemption**

The federal government intervened Friday in a proposed class action in Florida accusing Adventist Health System of underfunding employee pension plans in violation of the Employee Retirement Income Security Act, but only for the limited purpose of defending the constitutionality of the law's "church plan" exemption. [Read more »](#)

## COMPETITION

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### **DC Circ. Grounds Union Hopes To Halt Norwegian Air Permit**

American Bar Association  
American Conference Institute  
Avalere Health LLC  
Avenue Capital Group  
Bloomingdale's Inc.  
Boston Scientific Corporation  
Brigade Capital Management LLC  
CBOE Holdings Inc.  
Catholic Health Initiatives  
Center for Biological Diversity Inc.  
Citigroup Inc.  
Cray Inc  
Dynamex, Inc.  
Express Scripts Inc.  
Facebook  
Financial Industry Regulatory Authority Inc.  
Ford Motor Company  
General Motors  
Goldman Sachs Group Inc.  
Google Inc.  
Iconix Brand Group, Inc.  
Immigrant Defense Project  
Johnson & Johnson  
KPMG International  
L.L. Bean Inc.  
Lyft Inc.  
Mattress Firm Holding Corp.  
NASDAQ OMX Group Inc.  
NFL Enterprises LLC  
National Employment Law Project  
National Rifle Association of America  
National Right to Work Legal Defense Foundation  
National Women's Law Center  
Nevro Corp.  
New York City Bar Association

The DC Circuit has dampened the hopes of a group of airline unions, ruling Friday that the U.S. Department of Transportation had no reason to deny a foreign air carrier permit to a Norwegian Air subsidiary. [Read more »](#)

## GOVERNMENT CONTRACTS

### **OptumRx Loses \$6B NJ Contract For Flouting Financial Terms**

A New Jersey state appeals court clarified in a published decision Friday that government contract bids attempting to adjust financial terms in requests for proposals must be invalidated, upending a \$6 billion contract award to OptumRx Inc. to manage the health benefits of certain state employees. [Read more »](#)

## INTERNATIONAL TRADE

### **Congress Again Angles For A Check On Trump's Trade Power**

A bipartisan quartet of lawmakers unveiled new legislation on Thursday that would create a process for Congress to block new trade moves from the White House in an attempt to reclaim some of the trade power that the legislature has delegated to the executive branch. [Read more »](#)

## TAX

### **IRS To Clarify Rules On Bonus Depreciation As Early As June**

Regulations to clarify eligibility for full bonus depreciation of property could be issued as early as June, according to an Internal Revenue Service official speaking Friday at an American Bar Association tax conference. [Read more »](#)

### **Marinello Hasn't Put Brakes On Similar DOJ Pending Cases**

The federal government is continuing to prosecute cases under a section of the tax

Northern Mariana Islands Retirement Fund  
Northrop Grumman Corporation  
OptumHealth Inc.  
Promontory Financial Group LLC  
QUALCOMM Incorporated  
Quill Corp.  
Rite Aid Corporation  
SAS Institute  
Savills Studley Inc.  
Scottrade Inc.  
Solus Alternative Asset Management LP  
Southwest Airlines Co.  
TD Ameritrade Holding Corporation  
Tax Foundation  
TechFreedom  
Toyota Motor Corporation  
U.S. Chamber of Commerce  
Volkswagen  
Washington Post Co.  
Wayfair LLC

**GOVERNMENT AGENCIES**  
Bureau of Citizenship and Immigration Services  
Bureau of Labor Statistics  
Crow Creek Sioux Tribe  
Delaware Court of Chancery  
Department of Commerce  
Equal Employment Opportunity Commission  
European Commission  
European Union  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Bureau of Prisons  
Federal Communications Commission

code despite a recent U.S. Supreme Court opinion knocking down its broad interpretation of the relevant clause, an official said Saturday. [Read more »](#)

### **TCJA Provokes Questions About How To Define Entertainment**

The U.S. tax overhaul scrapped employer deductions for the cost of business-related entertainment but kept a partial deduction for meals, prompting practitioners at a tax conference hosted Saturday by the American Bar Association in Washington to ponder when, exactly, a meal might become entertainment. [Read more »](#)

### **Treasury Mulling Intermediate Sales Quandary On TCJA**

The U.S. Treasury Department is looking into whether incentives for exports in the recent federal tax overhaul apply to transactions that are required to go through an intermediary, such as arms sales to foreign buyers, an official said at a conference Friday. [Read more »](#)

### **IRS To Start Enforcing Crypto Withholding Rule, Panelist Says**

The Internal Revenue Service will begin this year to more strictly enforce the requirement to withhold taxes for cryptocurrency payments to nonresident aliens, an attorney who has represented clients in related matters said at a Saturday tax conference in Washington, D.C. [Read more »](#)

### **Wayfair Halted Online Tax Work, House Panel Counsel Says**

Congressional negotiators were working on a compromise solution for regulating online taxation when the U.S. Supreme Court agreed to review *South Dakota v. Wayfair*, which brought talks to a halt, the chief counsel to the House Judiciary chair said Friday. [Read more »](#)

Federal Energy Regulatory Commission  
Financial Crimes Enforcement Network  
Food and Drug Administration  
Illinois Supreme Court  
Internal Revenue Service  
Minnesota Legislature  
NAFTA  
National Telecommunications and Information Administration  
New York Attorney General's Office  
New York State Assembly  
New York State Department of Financial Services  
Ohio Supreme Court  
Pennsylvania Department of Revenue  
Port Authority of New York & New Jersey  
Securities and Exchange Commission  
U.S. Attorney's Office  
U.S. Department of Defense  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. General Services Administration  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Supreme Court  
United States District Court for the Eastern District of Pennsylvania

## **'Hack Your State Department' Bill Clears House Panel**

The House Foreign Affairs Committee has approved a bipartisan bill that aims to strengthen cybersecurity efforts at the U.S. State Department by getting hackers to point out vulnerabilities in the department's public networks and data systems. [Read more »](#)

## **ABA Seeks Clarity On New Exec Comp, Fringe Benefit Taxes**

Multiple American Bar Association committees are collecting public comments on the tax treatment of fringe benefits and compensation at nonprofits from the federal tax overhaul, a tax lawyer said Friday at an American Bar Association tax conference in Washington, D.C. [Read more »](#)

## **Bloomingdale's Taxes Wrong Bags Under City Law, Suit Says**

A purported class of Bloomingdale's customers slapped the company with a lawsuit in Illinois state court Thursday over claims its Chicago stores are charging an illegal sales tax on its garment bags under a local ordinance they say applies only to paper and plastic checkout bags. [Read more »](#)

## **Awaiting IRS Insight On Taxing Exec Pay, Cos. Craft New Plans**

The U.S. tax overhaul's removal of performance-based pay as an exception to deduction limits on executive compensation is prompting some public companies to create new pay plans to ensure such incentives remain available, practitioners said at an American Bar Association conference Friday. [Read more »](#)

## **BANKRUPTCY**

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### **Restructuring Of Puerto Rico's Investment Bank Approved**

Puerto Rico's federally appointed oversight board has officially signed off on a plan to

restructure the \$4.1 billion in debt held by the island's Government Development Bank, in a move government officials called an "important step" toward working out its total \$74 billion debt load. [Read more »](#)

## IMMIGRATION

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Feature

### **What You Need To Know As 9th Circ. Hears DACA Challenge**

The Ninth Circuit will hear oral arguments Tuesday in a challenge to the Trump administration's attempted rescission of the Deferred Action for Childhood Arrivals program while members of Congress push to bring legislative replacements for the program to the floor for a vote. Here is what you need to know. [Read more »](#)

### **DOJ, USCIS Team Up In Foreign Worker Visa Crackdown**

The Department of Justice and U.S. Citizenship and Immigration Services will team up to investigate fraud and abuse by employers who hire immigrants on foreign worker visas, according to a joint agreement between the agencies that went into effect Friday. [Read more »](#)

### **Calif. Moves To Bar Court Disclosure Of Immigration Status**

The California State Legislature passed a measure Thursday to protect individuals testifying in court from having to unnecessarily disclose their immigration status, in an effort to encourage undocumented immigrants who are witnesses to or victims of crimes to come forward without fear of arrest or deportation. [Read more »](#)

## TELECOMMUNICATIONS

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### **FCC Plan To Divvy Car Safety Band Tempers Toyota's Dream**

FCC commissioners may force Toyota to rework its plan to introduce vehicles able to wirelessly communicate with other vehicles and transportation infrastructure by 2021, telling the automaker that the agency is still considering letting other applications share a frequency previously reserved for auto safety. [Read more »](#)

### **Tribe Pushes Back At DC Circ. Against FCC Lifeline Changes**

A Native American tribe has urged the D.C. Circuit to toss a Federal Communications Commission decision the tribe says limits which telecommunication providers can be subsidized for providing Lifeline services on tribal land. [Read more »](#)

## **WHITE COLLAR**

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### **Ex-NY Assembly Speaker Convicted After 2nd Graft Trial**

Former New York State Assembly Speaker Sheldon Silver was convicted Friday for the second time for reaping what prosecutors say was a quid pro quo in which Silver accepted millions of dollars in illicit referral fees from developers and an asbestos disease doctor and took official action on their behalf. [Read more »](#)

### **GWB Scandal Figure Loses Bid For Ireland Trip Amid Appeal**

A New Jersey federal court has rejected a former Port Authority executive's bid to travel to Ireland on Monday while he appeals his conviction for reducing local access lanes to the George Washington Bridge in a political revenge scheme. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Inside The New DOJ Policy On Coordinated Enforcement**

A recent policy announcement by Deputy Attorney General Rod Rosenstein appears to

be an express acknowledgement by the U.S. Department of Justice of the need to mitigate the disproportionate and harmful consequences that can result when multiple enforcement authorities seek to investigate and punish the same conduct, say attorneys with Winston & Strawn LLP. [Read more »](#)

### **5th Pillar Of AML Compliance Is Here, But Questions Remain**

The Financial Crimes Enforcement Network's long-awaited customer due diligence rule — the so-called "fifth pillar" of anti-money laundering programs — is now effective, but the broad reach of the rule and some lingering interpretive issues have made it difficult for firms to operationalize the rule's requirements, say members of Promontory Financial Group LLC. [Read more »](#)

### **Is The Attempt To Rescind DACA Lawful?**

A D.C. federal court recently invalidated the Trump administration's effort to end the Deferred Action for Childhood Arrivals program, highlighting two important issues about the limits of judicial review over such policy changes, says Steven Gordon of Holland & Knight LLP. [Read more »](#)

### **How The House FAA Bill Champions Air Travelers' Rights**

The U.S. House passed its version of the six-year budget reauthorization for the Federal Aviation Administration last month. In a surprising change from Congress' usual tilt toward the interests of the aviation industry, the bill features a number of provisions that address many of the long-smoldering — and vociferously expressed — concerns of the flying public, says Barbara Lichman of Buchalter PC. [Read more »](#)

### **FERC Aims For Market Transparency With Uplift Reports**

Last month, the Federal Energy Regulatory Commission issued a final rule requiring

regional transmission organizations and independent system operators to publicly report information regarding uplift payments. Attorneys at Reed Smith LLP unpack the revised reporting obligations. [Read more »](#)

### **Gender Pay Data: Impact Of European Laws In The US**

Although American and European equal pay laws often develop on parallel tracks, the U.S has not kept pace with the EU in terms of pay transparency. However, new European laws may have the unintended consequence of pushing multinationals with U.S. employees to publish pay data to keep up with their European counterparts, say Lynne Bernabei and Kristen Sinisi of Bernabei & Kabat PLLC. [Read more »](#)

## **LEGAL INDUSTRY**

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### **Titan Of The Plaintiffs Bar: Lieff Cabraser's Elizabeth Cabraser**

As sole lead counsel in multidistrict litigation over Volkswagen AG's emissions scandal, Lieff Cabraser Heimann & Bernstein LLP's Elizabeth Cabraser helped drivers secure settlements totaling more than \$15 billion and assurances that the polluting vehicles would be taken off the roads, earning her a spot on Law360's 2018 Titans of the Plaintiffs Bar. [Read more »](#)

Feature

### **3 Ways Firms Can Improve Summer Associate Programs**

As millennials continue to enter the legal profession with different values, career goals and cultural expectations than their predecessors, firms have an urgent opportunity to retool their summer associate programs to make a more compelling first impression. [Read more »](#)

How They Won It

### **Ex-BigLaw Atty Who Shot Wife Couldn't Escape Paper Trail**

Fulton County, Georgia, prosecutors trying to prove that a former Fisher Phillips LLP partner's shooting of his wife was no accident flooded the jury with painstaking detail from both eyewitnesses and the wealthy couple's paper trail to establish that he had a financial motive to kill his wife, securing a murder conviction. [Read more »](#)

### **ABA Data Shows 15% Rise In Attorneys Over Last Decade**

The American Bar Association on Friday released survey data on the nationwide population of lawyers indicating a 10-year trend of moderate year-to-year increases since 2008 that amount to a 15.2 percent increase over the last decade. [Read more »](#)

#### **Feature**

### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

Questions remain around who will permanently replace Eric Schneiderman as New York attorney general after he resigned in the wake of a news article detailing allegations of physical abuse by four women, new data show female in-house counsel earn 84 percent of what their male counterparts make on average, and Fox News hired a new general counsel amid a series of lawsuits alleging the network mistreated women and minority workers. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

#### **Podcast**

### **Law360's Pro Say: Don't Lie About Paying Expert Witnesses**

On the latest episode of Law360's Pro Say podcast, we discuss the ethical boundaries of handling expert witnesses; New York Attorney General Eric Schneiderman stepping down after abuse allegations; Jay-Z being ordered to give testimony to the Securities and Exchange Commission; and Dr. Dre attempting to block a

medical doctor from registering a trademark for his similar-sounding name. Read more »

## In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. Read more = 2

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**Americans for Prosperity – Ohio SUPPORTS Sub. S.B. 4**

June 19, 2018

Members of the Ohio House of Representatives:

On behalf of tens of thousands of activists across the state of Ohio, I write urging you to vote 'YES' on Substitute Senate Bill 4, which will partially expunge the criminal records of individuals who incurred those records while victims of human trafficking. Enacting this legislation will provide them with a very real opportunity to move forward with their lives, and our organization actively promotes the elimination of precisely these types of external barriers to economic freedom and personal fulfillment.

**We urge you to vote 'YES' on Sub. S.B. 4. Americans for Prosperity – Ohio will include your vote in our legislative scorecard.**

This bill will provide second chances to individuals who continue to face obstacles and burdens as a collateral consequence of having committed crimes that they had little to no choice in committing. Victims of human trafficking face coercion, threats, violence, and all manner of abuse from their captors and traffickers.

Lawmakers have the opportunity to act on popular, bipartisan, and common sense criminal justice reform in this session. This piece of legislation will help to restore victims of human trafficking by giving them the chance to move on from these senseless and misleading records, which only add insult to the injury of being trafficked. By allowing certain crimes to be expunged from the criminal records of victims of human trafficking, this legislation will allow survivors to move past the criminal activity that they were forced to commit and get a second chance in society, hopefully in a mutually beneficial manner.

Americans for Prosperity – Ohio applauds the bipartisan group of lawmakers that voted to advance this bill out of committee.

**Please consider voting 'YES' tomorrow on Sub. S.B. 4.**

Best Regards,

A handwritten signature in black ink, appearing to read "Matt DeClerck".

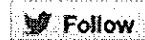
Micah Derry  
State Director  
Americans for Prosperity – Ohio

*Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream -- especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit [www.AmericansForProsperity.org](http://www.AmericansForProsperity.org).*

**From:** Public Policy Law360  
**Sent:** Wednesday, June 20, 2018 5:24 AM  
**To:** Rep93  
**Subject:** Former Top Attys, State AGs Condemn Family Separations



Wednesday, June 20, 2018



## TOP NEWS

### **Former Top Attys, State AGs Condemn Family Separations**

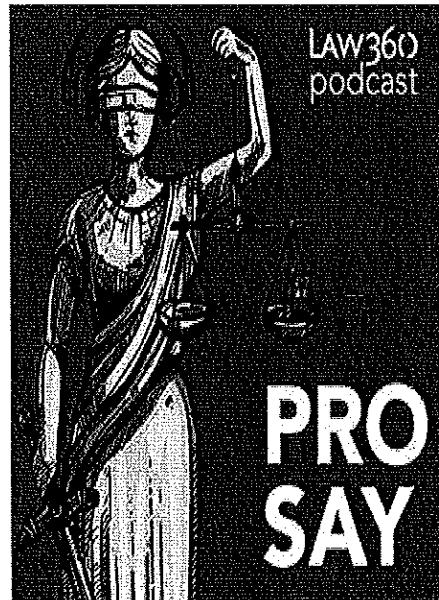
A flood of condemnation over the Trump administration's new "zero tolerance" immigration policy that's left nearly 2,000 children separated from their parents at the border poured in on Monday and Tuesday from former U.S. attorneys and state attorneys general who called for an end to the "cruel and illegal attack" on immigrant families. [Read more »](#)

### **Senate To Mull Bills To End Immigrant Family Separation**

Senators have started to spin up their efforts to end the White House's policy of separating undocumented immigrant parents from their children at the U.S. border Tuesday, even as partisan divides have quickly started to open up in the talks. [Read more »](#)

### **Trump Backs House Immigration Reform Bills**

President Donald Trump told Republican representatives at a meeting Tuesday evening that he would support immigration reform legislation, but the lawmakers were still left questioning how they would move forward on



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an immigration compromise reached last week.  
[Read more »](#)

**Feature**

**\$716B Senate Defense Bill Sets Up Clash With White House**

The U.S. Senate's nearly \$716 billion version of the 2019 National Defense Authorization Act sets up several future fights, both with the White House over a clause to reinstate sanctions against Chinese technology company ZTE and with the House of Representatives over differences in philosophy — and funding. [Read more »](#)

**Analysis**

**High Court's Vitamin C Ruling Leaves Work For Lower Courts**

The U.S. Supreme Court ruled in an antitrust case over Chinese vitamin C exports that U.S. courts are not bound by another country's description of its own laws, but the justices only provided a few hints about how much weight to give competing evidence about what a foreign law requires, leaving trial courts to parse the deference due in future cases. [Read more »](#)

**Feature**

**Meet The Judge Who Will Decide The ACA's Fate**

The Texas federal judge presiding over the latest legal assault on the Affordable Care Act has a BigLaw background, Capitol Hill connections, deep roots in the Lone Star State and a judicial track record that could send ACA supporters reaching for bottles of Xanax. [Read more »](#)

**BANKING & SECURITIES**

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**Ambac Opens 1st Circ. Fight Over Puerto Rico Bond Diversion**

Ambac Assurance Corp. on Monday launched its opening arguments in an appeal over the diversion of highway bond revenues in Puerto Rico stemming from a ruling in the territory's

Cooley  
Cravath Swaine  
Dorsey & Whitney  
Ferraiuoli LLC  
Foley & Lardner  
Fried Frank  
Gibson Dunn  
Goldstein & Russell  
Greenberg Gross  
Greenberg Traurig  
Gunderson Dettmer  
Gunster  
Hogan Lovells  
Holland & Knight  
Holwell Shuster  
Hueston Hennigan  
Hunton Andrews Kurth  
Jackson Lewis  
Jenner & Block  
Jones Day  
Keker Van Nest & Peters  
Kramer Levin  
Latham & Watkins  
Littler Mendelson  
Lynn Pinker  
McDermott Will  
Milbank Tweed  
Morgan Lewis  
Morrison & Foerster  
Ogletree Deakins  
Proskauer Rose  
Quinn Emanuel  
Raines Feldman  
Reed Smith  
Sanford Heisler  
Schulte Roth  
Selendy & Gay  
Simpson Thacher

bankruptcy-type cases, saying the underlying acts by the island's government violated the Constitution. Read more »

## ENERGY & ENVIRONMENTAL

Interview:

### **FERC Chair Pledges To Uphold Markets Amid Trump Bailouts**

Preserving the viability of regional wholesale electricity markets will be a Federal Energy Regulatory Commission priority in the face of a Trump administration plan to prop up struggling coal and nuclear power plants, FERC Chairman Kevin McIntyre told Law360 in an exclusive interview. Read more »

### **White House Mulling Big NEPA Changes**

The Trump administration said Tuesday it was considering major changes in how the nation's cornerstone environmental law is implemented with an eye toward streamlining permitting processes, prompting howls of criticism from green groups. Read more »

### **DC Circ. Rules DOI Needn't Update Coal Lease Enviro Study**

The D.C. Circuit on Tuesday held that the U.S. Department of the Interior does not have a legal obligation to reexamine the environmental impacts of its coal leasing program in order to account for climate change, in a blow for green groups that sought to force the agency's hand. Read more »

### **Spain Ordered To Pay €112M Over Renewable Energy Reforms**

Spain must pay more than €112 million to units of the European private equity firm Antin Infrastructure Partners for revoking certain economic incentives for renewable energy producers, marking another loss in arbitration for the country over the measures, a source

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Strasburger & Price  
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Acxiom Corporation  
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American Arbitration Association  
American Bar Association  
American Hospital Association  
Apple Inc.  
Association of Corporate Counsel  
Assured Guaranty Ltd.  
Avnet Inc.  
Boehringer Ingelheim  
Center for Biological Diversity Inc.  
Center on Budget and Policy Priorities  
Cigna Corporation  
Columbia Sportswear Company  
Deutsche Telekom AG  
Dollar Tree Inc.  
Dominion Energy Inc.  
Electronic Privacy Information Center  
Epic Systems Corp.  
Ernst & Young  
Facebook  
GAZ Group  
Gazprom  
Google Inc.  
Huawei Technologies  
Independence Blue Cross Inc.  
Intel Corporation

with knowledge of the award told Law360 on Tuesday. Read more »

### **LA County's Land-Use Plan Gets Past Enviro-Group Objection**

A California appeals court on Tuesday upheld Los Angeles County's approval of a 1,800-acre land use plan, rejecting a green group's argument that an additional environmental assessment was warranted because the plan relied on outdated information. Read more »

### **IP & TECHNOLOGY**

#### **DC Circ. Backs Boehringer In FTC Atty-Client Privilege Row**

The D.C. Circuit refused to overturn a ruling that communications subpoenaed from Boehringer Ingelheim Pharmaceuticals Inc. during a Federal Trade Commission pay-for-delay investigation are covered by attorney-client privilege, saying Tuesday one of their main purposes was to get legal advice. Read more »

### **MEDIA & ENTERTAINMENT**

#### **SPLC Apologizes, Pays \$3.4M For Labeling Org. 'Extremist'**

The Southern Poverty Law Center has agreed to pay nearly \$3.4 million to Islamic think tank Quilliam Foundation and its founder, Maajid Nawaz, and issued a public apology to them after labeling them as "anti-Muslim extremists" in a publication, the organizations announced on Monday. Read more »

### **EMPLOYMENT**

#### **DOL Blesses ACA-Skirting Association Health Plans**

The U.S. Department of Labor published its long-anticipated final rule on association health plans on Tuesday, relaxing the requirements for small businesses to band together to create

International Centre for Settlement of Investment Disputes

JPMorgan Chase & Co.

Kindred Healthcare Inc.

LinkedIn Corp.

Major Lindsey & Africa

Microsoft Corporation

National Basketball Players Association

Natural Resources Defense Council

New York Times Co.

Nike Inc.

P.F. Chang's China Bistro Inc.

PNC Financial Services Group Inc.

Precision Castparts Corp.

PricewaterhouseCoopers

Safeco

Sinclair Broadcast Group, Inc.

SoftBank Group Corp.

Southern Poverty Law Center

T-Mobile USA Inc.

Tribune Media Co.

Twitter Inc.

U.S. Bancorp

U.S. Chamber of Commerce

Wal-Mart Stores Inc.

Washington Post Co.

Xerox Corporation

### **GOVERNMENT AGENCIES**

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Defense Health Agency

health care plans that skirt certain Affordable Care Act requirements, in a move that drew sharp criticism from Democrats and cheers from Republicans. [Read more »](#)

### Rutgers Whistleblower Row Revived Over Judge's Silence

A New Jersey state appeals court on Tuesday revived a whistleblower suit against Rutgers University from an ex-employee alleging he was fired in retaliation for his objecting to the school's procurement methods, saying a trial court failed to spell out its reasons for dismissing the case and denying a bid to extend discovery. [Read more »](#)

## COMPETITION

### EU Antitrust Chief Sees Global Progress Curbing State Aid

The European Union's top competition enforcer touted progress Tuesday in getting countries outside the EU to avoid picking economic winners and losers through "harmful subsidies," part of her efforts to take the bloc's state aid rules global. [Read more »](#)

## CYBERSECURITY & PRIVACY

### Facebook App Creator Backs Data Privacy Regulation Efforts

U.S. Senate lawmakers and cybersecurity experts, including the creator of the app that allowed Cambridge Analytica to harvest millions of unwitting Facebook users' data, on Tuesday agreed that online companies need more formal data collection and sharing rules, although some balked at the suggestion that regulation should hew too closely to the European Union's current framework. [Read more »](#)

## CONSUMER PROTECTION

### Dems Ask CFPB Pick To Describe Her Role In Border Policy

Defense Logistics Agency  
Department of Commerce  
European Commission  
European Union  
Executive Office of the President  
Federal Aviation Administration  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Trade Commission  
Food and Drug Administration  
Government Accountability Office  
Internal Revenue Service  
NATO  
National Labor Relations Board  
Office of Foreign Assets Control  
Office of the U.S. Trade Representative  
Oregon Department of Revenue  
Pennsylvania Supreme Court  
Securities and Exchange Commission  
Texas Supreme Court  
U.S. Agency for International Development  
U.S. Air Force  
U.S. Attorney's Office  
U.S. Department of Defense  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Department of the Treasury

Two top Democrats on the Senate Banking Committee want to know whether a White House budget official who's been picked to lead the Consumer Financial Protection Bureau had any hand in a Trump administration policy that's resulted in the separation of more than 2,000 children from their parents at the U.S.-Mexico border since May. [Read more »](#)

## PRODUCT LIABILITY

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### Opioid Research Rules Tweaked In Bills Passed By House

The U.S. House of Representatives on Tuesday passed a series of bills changing federal policy on research and approvals for opioids, as part of a broader package of measures aimed at addressing the nation's addiction crisis. [Read more »](#)

## AEROSPACE & DEFENSE

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### Ex-Senate Staffer Seeks To Gag Trump Over 'Leaker' Remark

A former Senate Intelligence Committee aide asked a Washington, D.C., federal judge for a gag order on President Donald Trump on Tuesday, saying the jury pool is likely to be tainted by comments like one Trump made calling him a "leaker." [Read more »](#)

### DOJ Watchdog Reviewing Russia Probe For FBI Bias

U.S. Department of Justice Inspector General Michael Horowitz told members of Congress on Tuesday that his office is investigating whether an FBI agent's negative views of then-candidate Donald Trump played a role in the decision to open an investigation into the Trump campaign's contacts with Russia. [Read more »](#)

### DC Circ. Grounds Battle Over Privacy In FAA Drone Rules

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

World Trade Organization

The D.C. Circuit tossed a petition by the Electronic Privacy Information Center on Tuesday that sought to review small drone rules promulgated by the Federal Aviation Administration, finding the nonprofit lacked standing to mount a challenge over the exclusion of privacy safeguards. [Read more »](#)

## INTERNATIONAL TRADE

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### **Norway Hits US With WTO Complaint Over Metal Tariffs**

Norway has hit back against President Donald Trump's steel and aluminum tariffs and filed a complaint with the World Trade Organization claiming that the duties violate global trade agreements, the WTO said Tuesday. [Read more »](#)

### **Trump Admin. Has No Plan For China Talks After Tariff Push**

The Trump administration has no imminent plans to hold new negotiations with China to resolve the two countries' escalating intellectual property and tariff fight, White House trade adviser Peter Navarro said Tuesday, adding that fruitless recent meetings with the Chinese side have shown that "talk is cheap." [Read more »](#)

## TAX

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### **Pension Tax Ballot Measure Not Deceiving, Fla. Panel Says**

A Florida state appeals court has refused to invalidate a 2016 Jacksonville vote that established a half-penny surtax to fund the city's pension liability, finding the measure's title and summary weren't crafted in a misleading manner. [Read more »](#)

## IMMIGRATION

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### **2 Sens. Oppose Trump's State Dept. Refugee Office Pick**

Sens. John McCain, R-Ariz., and Chris Coons, D-Del., on Tuesday penned a letter to U.S. Secretary of State Mike Pompeo opposing President Donald Trump's pick to head an office within the U.S. Department of State dealing with refugees and migrants, arguing that the nominee's anti-immigrant writings make him unfit for the position. [Read more »](#)

### **NY Plans Suit Over Family Separations At Border**

New York Gov. Andrew Cuomo said Tuesday that he and several Empire State government agencies plan to sue President Donald Trump's administration alleging constitutional rights violations for the migrant children pouring into federal shelters in the state. [Read more »](#)

### **USCIS Expects Delays In Finalizing EB-5 Rule Changes**

U.S. Citizenship and Immigration Services does not anticipate taking final action on a set of proposed modifications to the controversial EB-5 Immigrant Investor Program before authorization for its regional centers expires in late September, Director L. Francis Cissna told the Senate Judiciary Committee on Tuesday. [Read more »](#)

## **TELECOMMUNICATIONS**

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### **Sprint, T-Mobile Officially Ask FCC Permission To Merge**

T-Mobile and Sprint have asked the Federal Communications Commission for permission to combine forces, according to merger documents posted Tuesday. [Read more »](#)

### **Gov't Control Has Stifled Spectrum Use, Think Tank Says**

Regulation of spectrum has curbed its potential productivity at a time when consumers and the country rely upon fast, ubiquitous wireless internet more than ever, according to a new

report by a free-market think tank. Read more »

## PEOPLE

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### **Ex-NBA Union Atty Joins DC AG As Senior Litigation Counsel**

A former general counsel of the National Basketball Players Association who helped ink a \$70 billion collective bargaining agreement for the union has joined the Office of the Attorney General for the District of Columbia as senior counsel for litigation. Read more »

## Q&A

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### Q&A

#### **A Chat With Holland & Knight CFO Mia Stutzman**

In this monthly series, legal recruiters at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Mia Stutzman, chief financial officer at Holland & Knight LLP. Read more »

## EXPERT ANALYSIS

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### **New Frontier Of US Health Info Regulation Comes From EU**

While the U.S. Department of Health and Human Services Office of Civil Rights has been quiet recently with respect to Health Insurance Portability and Accountability Act enforcement actions, the newly empowered EU data protection authorities will be eager to flex their muscles and show that the General Data Protection Regulation's extraterritorial reach is not only real, but that noncompliance can be painful, say Nancy Libin and David Saunders of Jenner & Block LLP. Read more »

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### **New Licenses Ease Ukraine, Russia Business Wind-Downs**

The U.S. Department of Treasury Office of Foreign Assets Control continues its effort to

allow U.S. persons to wind down operations or existing contracts that would otherwise violate Ukraine- and Russia-related sanctions. Even though OFAC has issued general licenses for this purpose, U.S. persons may need to obtain specific licenses to fully divest their interests, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

**Series**

**FLSA Turns 80: A Closer Look At Conditional Cert. Standard**

While the adoption of the two-stage standard for collective action certification may have been born of good intention, its current interpretation strains judicial resources and forces settlement regardless of the merits of Fair Labor Standards Act litigation, say Sari Alamuddin and Allison Powers of Morgan Lewis & Bockius LLP. [Read more »](#)

**Opinion**

**Oregon Should Reinstate Its Tax Haven Law**

Repeal of the Oregon tax haven provision was an unwarranted giveaway to profitable multinational corporations that are exploiting foreign tax havens to shift profits earned in Oregon beyond the tax reach of the state. The law should be reinstated, says Michael Mazerov of the Council on Budget and Policy Priorities. [Read more »](#)

**Rebuttal**

**Physician Observation Billing Concerns Are Unwarranted**

A recent Expert Analysis article titled "Challenges In Billing Physician Observation Services" needlessly raises concern among hospitals and physicians about proper billing by physicians for Medicare observation services, says Sheree Kanner of Hogan Lovells. [Read more »](#)

**#MeToo At Law Firms And What We Can Do About It**

While some may say it's ironic, it's also embarrassing and enraging that the very industry that offers anti-harassment training, policies and counsel now finds itself the subject of #MeToo headlines. The American Bar Association recommendation that will bring about the greatest change is the call to provide alternative methods for reporting violations, says Beth Schroeder, chair of Raines Feldman LLP's labor and employment group. [Read more »](#)

## LEGAL INDUSTRY

### **Jones Day Sued Over Alleged Gender Bias, 'Fraternity Culture'**

A former Jones Day partner sued the firm in California court Tuesday for allegedly treating women as "second-class citizens," providing preferential treatment to men and firing her for speaking out against its alleged "fraternity culture." [Read more »](#)

#### Analysis

### **3 Takeaways From The Recent Round Of Associate Raises**

The recent race among law firms to raise salaries and bonuses for associates is likely to change the recruitment landscape for young lawyers and put further distance between an elite echelon of highly profitable firms that can attract the top talent and everyone else, but the upshot for clients is less clear. [Read more »](#)

### **Reed Smith And Greenberg Opt Out Of Associate Pay Raises**

As more law firms each day announce their decisions to raise associate pay to match new industry benchmarks set earlier this month by Milbank Tweed Hadley McCloy LLP and Cravath Swaine & Moore LLP, a few law firms have made it clear they plan to opt out. [Read more »](#)

### **2 More Law Firms Match Cravath's Associate Pay Raises**

Vinson & Elkins LLP and Kramer Levin Naftalis & Frankel LLP have both announced associate raises matching the new pay scale set by Cravath Swaine & Moore LLP last week, according to internal memos made public over the past days. [Read more »](#)

## **Ex-Prof Slams For-Profit Law School's Bid To Slip FCA Suit**

A former professor and an alumnus of the now-closed Charlotte School of Law slammed it and its parent company, Infilaw Corp., in a filing in Florida federal court Monday, deriding their attempts to escape a False Claims Act suit over how the for-profit institution was operated. [Read more »](#)

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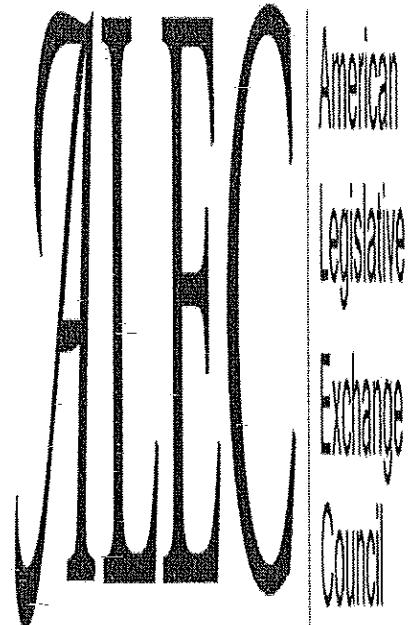
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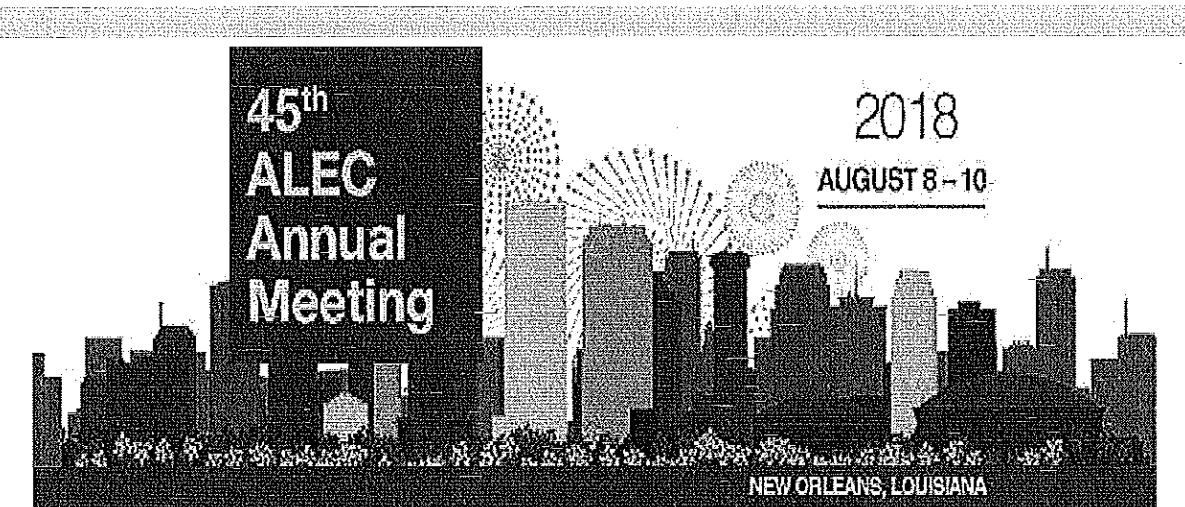
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**From:** Courtney Cook  
**Sent:** Wednesday, June 20, 2018 11:29 AM  
**To:** Rep93  
**Subject:** ALEC - Secretary Chao to Speak at Opening Session!



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## **Speaker Announcement!**

**Secretary Elaine L. Chao to Speak at Opening Session**

1990



Secretary Elaine L. Chao is currently the U.S. Secretary of Transportation. Secretary Chao has a distinguished career in the public, private, and nonprofit sectors. She served as U.S. Secretary of Labor from 2001-January 2009, and is the first Asian American woman to be appointed to the President's cabinet in American history.

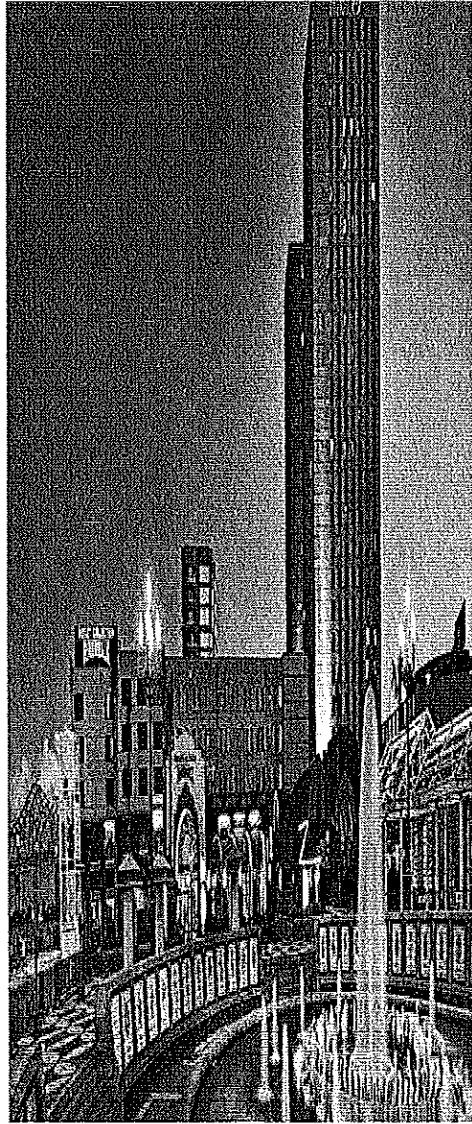
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**When:** August 8 - 10, 2018

**Where:** Hilton New Orleans Riverside  
New Orleans, LA

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[Full Conference Agenda](#)



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the ALEC rate of \$159 per night.

\*based on availability

## **Important Meeting Information**

**June 25:** ALEC member policy submission deadline

**June 27:** Last day for Early Bird registration rates

**July 10:** 30-day policy and agenda notification goes out to ALEC members

**July 11:**

- Last day for the ALEC hotel rate  
\*based on availability
- Last day for Standard registration rates
- Exhibitor application deadline

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**Americans for Prosperity – Ohio SUPPORTS Sub. S.B. 4**

June 19, 2018

Members of the Ohio House of Representatives:

On behalf of tens of thousands of activists across the state of Ohio, I write urging you to vote 'YES' on Substitute Senate Bill 4, which will partially expunge the criminal records of individuals who incurred those records while victims of human trafficking. Enacting this legislation will provide them with a very real opportunity to move forward with their lives, and our organization actively promotes the elimination of precisely these types of external barriers to economic freedom and personal fulfillment.

**We urge you to vote 'YES' on Sub. S.B. 4. Americans for Prosperity – Ohio will include your vote in our legislative scorecard.**

This bill will provide second chances to individuals who continue to face obstacles and burdens as a collateral consequence of having committed crimes that they had little to no choice in committing. Victims of human trafficking face coercion, threats, violence, and all manner of abuse from their captors and traffickers.

Lawmakers have the opportunity to act on popular, bipartisan, and common sense criminal justice reform in this session. This piece of legislation will help to restore victims of human trafficking by giving them the chance to move on from these senseless and misleading records, which only add insult to the injury of being trafficked. By allowing certain crimes to be expunged from the criminal records of victims of human trafficking, this legislation will allow survivors to move past the criminal activity that they were forced to commit and get a second chance in society, hopefully in a mutually beneficial manner.

Americans for Prosperity – Ohio applauds the bipartisan group of lawmakers that voted to advance this bill out of committee.

**Please consider voting 'YES' tomorrow on Sub. S.B. 4.**

Best Regards,

A handwritten signature in black ink, appearing to read "Michael D. Hirschman".

**Micah Derry**  
State Director  
Americans for Prosperity – Ohio

*Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit [www.AmericansForProsperity.org](http://www.AmericansForProsperity.org).*

**From:** Public Policy Law360  
**Sent:** Thursday, June 21, 2018 4:06 AM  
**To:** Rep93  
**Subject:** Trump Signs Order To Stop Immigrant Family Separations



Thursday, June 21, 2018



## TOP NEWS

### **Trump Signs Order To Stop Immigrant Family Separations**

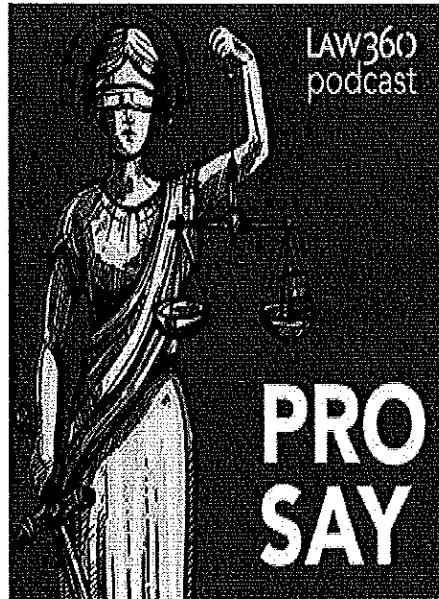
President Donald Trump signed an executive order Wednesday that takes a step toward ending the administration's practice of separating immigrants from their children in detention following broad public outcry, while doubling down on the administration's "zero-tolerance policy" of prosecuting all unauthorized border crossers. [Read more »](#)

### **Ex-Jones Day Partner Tapped For US Atty In San Diego**

A former partner at Jones Day who was shut out of a bid to become San Diego's U.S. attorney under the last Republican administration got the White House's nod for the job on Wednesday, as did three others in Colorado, New Orleans and Detroit. [Read more »](#)

### **Judicial Nominees Talk Cocaine, Incest At Bizarre Hearing**

At times echoing a law school classroom, the Senate Judiciary Committee on Wednesday probed judicial nominees for the Fourth Circuit and a Florida district court about the limits of government power, asking about the ability to



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crack down on cocaine use and stop incest.  
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**Analysis**

**In The Courts, Battles For Immigrant Children Wage On**

The Trump administration's treatment of immigrant children has elicited widespread condemnation this week from all four living former first ladies, the United Nations' human rights chief, hundreds of religious leaders and even some Republicans — but legal challenges to its policies have long been underway. [Read more »](#)

**Trump, Lawmakers Make Limited Progress On ZTE Deal**

Lawmakers said Wednesday they had made some progress toward a deal to lift sanctions imposed on Chinese telecommunications equipment maker ZTE Corp. after a meeting with President Donald Trump, the day after a bipartisan bill to protect the federal supply chain, prompted in part by ZTE, was introduced in the Senate. [Read more »](#)

**Analysis**

**PTAB's Doors Would Be Closed To Generics Under Hatch Bill**

Proposed legislation by one of the architects of the Hatch-Waxman Act to require generics makers to choose between challenging drug patents under that law or through inter partes reviews would effectively bar generics from using America Invents Act proceedings, attorneys say. [Read more »](#)

**LEGAL ETHICS & MALPRACTICE**

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**Ex-Pa. Lawmaker Loses Corruption Conviction Appeal Bid**

The Pennsylvania Supreme Court on Tuesday declined to hear an appeal from a former state representative pushing to dodge a conviction for using public funds on campaign-related technology purchases on grounds that

Burr & Forman  
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Clifford Chance  
Cooley  
Covington & Burling  
Cravath Swaine  
Davis Polk  
Dewey & LeBoeuf  
Dickinson Wright  
Drinker Biddle  
Eckenrode Maupin  
Epstein Becker Green  
Flemming Zulack  
Freshfields  
Fried Frank  
Gibson Dunn  
Greenberg Gross  
Greenspoon Marder  
Gunderson Dettmer  
Hoguet Newman  
Hueston Hennigan  
Jones Day  
Kaufman & Company LLC  
Keker Van Nest & Peters  
King & Spalding  
Kirkland & Ellis  
Kramer Levin  
Landye Bennett  
Latham & Watkins  
Linklaters  
Littler Mendelson  
Marshall Dennehey  
McConnell Valdes  
Milbank Tweed  
Morrison & Foerster  
Munger Tolles  
Neal Gerber  
Ogletree Deakins

prosecutors had destroyed potentially exculpatory evidence. [Read more »](#)

## ENERGY & ENVIRONMENTAL

### **Atty Picked For EPA Office Will Recuse From Dow Cleanups**

The Dow Chemical Co. managing counsel selected by President Donald Trump to lead the U.S. Environmental Protection Agency's emergency management office on Wednesday told senators he will recuse himself from issues surrounding nearly 200 Superfund sites his employer is involved in. [Read more »](#)

### **EPA Need Not Step In On W.Va. Pollution Limits: 4th Circ.**

In a loss for environmental groups, the Fourth Circuit held Wednesday that the U.S. Environmental Protection Agency does not yet need to get involved in West Virginia's obligation to set certain pollution limits for hundreds of bodies of water in the state. [Read more »](#)

### **HHS Unveils Controversial Drinking Water Contaminant Study**

The U.S. Department of Health and Human Services released an eagerly anticipated study Wednesday that said there should be a much stricter standard for human exposure to two drinking water contaminants than what the U.S. Environmental Protection Agency established. [Read more »](#)

## INSURANCE

### **NY, Mass. AGs To Sue Over Association Health Plans Rule**

The attorneys general for New York and Massachusetts on Wednesday said they will sue the Trump administration over the U.S. Department of Labor's final rule on association health plans that they say will shrink "critical consumer health protections." [Read more »](#)

Paul Hastings

Paul Weiss

Pepper Hamilton

Perkins Coie

Podhurst Orseck

Rainone Coughlin

Rath Young

Robins Kaplan

Ropes & Gray

Sanford Heisler

Schulte Roth

Selendy & Gay

Seltzer Caplan

Shapiro Arato

Sills Cummis

Simpson Thacher

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Slaughter and May

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